

Senator Martin then moved to suspend the regular order of business and take up H. B. No. 26 for consideration at this time.

The motion was lost by the following vote:

**Yeas—13**

Aikin	Ratliff
Ashley	Rogers
Corbin	of Childress
Kelley	Secrest
Martin	Shireman
Moore	Wagonseller
Owen	Willis

**Nays—15**

Bracewell	Lock
Colson	Moffett
Fly	Parkhouse
Hardeman	Phillips
Hazlewood	Rogers of Travis
Kazen	Strauss
Lane	Weinert
Latimer	

**Absent**

Fuller McDonald

**Absent—Excused**

Roberts

**House Concurrent Resolution 1 on  
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 1, Providing for Sine Die Adjournment at 6:00 o'clock p. m. on Tuesday, June 7, 1955.

The resolution was read second time and was adopted.

**Notice of Executive Session**

Senator Aikin gave notice that he would on tomorrow, June 7, 1955, call an Executive Session for consideration of Nominations of the Governor.

**House Bill on First Reading**

The following bill received from the House today was read first time and was referred to the committee indicated:

H. B. No. 711, To the Committee on Agricultural Affairs.

**Adjournment**

On motion of Senator Weinert, the Senate, at 6:25 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

**SEVENTY-FIFTH DAY**

(Tuesday, June 7, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

**Absent—Excused**

Roberts

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation, as follows:

"Our Father, let the closing hours of this session of the Senate point to the closing hours of our earthly life. Not a time of gloom or sad farewells, but hours of rejoicing over a work well done; may we have a safe journey home; and while we do not know what the future holds, give us fearless faith in Him Who holds the future; and may the Lord bless and keep us all, and forevermore. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Morning Call**

Senator Martin moved to dispense with the Morning Call.

There was no objection offered.

**Report of Standing Committee**

Senator Moffett, by unanimous consent, submitted the following report:

Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 711, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill No. 322 by division vote.

The House has concurred in Senate amendments to House Bill No. 928 by vote of 77 yeas, 3 nays.

The House has concurred in Senate amendments to House Bill No. 941 by division vote.

The House has adopted the Conference Committee Report on House Bill No. 602 by division vote.

H. C. R. No. 193, Requesting the return of House Bill No. 663 from the Governor's office for correction.

H. B. No. 897, A bill to be entitled "An Act amending Article 6221, Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the payment of an increased pension to Confederate Veterans; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 119 by a viva voce vote.

S. C. R. No. 84, Granting Watkins Orr, et al., of Hill County, Texas, permission to sue the State.

The House has adopted the Conference Committee Report on House Bill No. 724 by a viva voce vote.

H. C. R. No. 196, Requesting the Governor to return House Bill 927 to the House of Representatives for further consideration.

The House has adopted the Conference Committee Report on Senate Bill No. 286 by a viva voce vote.

The House refused to adopt Conference Committee Report on S. J. R. No. 1 by viva voce vote, and requests the appointment of a new conference committee.

House has appointed a new Conference Committee on S. J. R. No. 1: Saul, Cooper, Burkett, Ellis, McIlhany.

The House has concurred in Senate amendments to House Bill No. 919 by a viva voce vote.

Motion was made to reconsider the vote by which House refused to concur in Senate amendments on H. B. No. 375 prevailed.

The House has concurred in Senate amendments to House Bill No. 375 by viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 309 by a viva voce vote.

Motion to instruct the Conference Committee on S. J. R. No. 1 to adopt the text of the Pool Amendment (H. J. R. No. 33) as the body of the Conference Committee Report prevailed by viva voce vote.

H. C. R. No. 194, Suspending the Joint Rules in order that the Senate may consider House Bill No. 711 at any time.

H. C. R. No. 195, Commending His Excellency Allan Shivers, Governor of the State of Texas.

S. C. R. No. 81, Granting Phillips Petroleum Co., et al., permission to sue the State of Texas.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Bill Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled bill subject to the provisions of Section 49A of Article III of the State Constitution:

H. B. No. 140, A bill to be entitled "An Act appropriating money for the support of the judicial, executive, and legislative branches of the State Government, and for State aid to designated public junior colleges for the two-year period beginning September 1, 1955, and ending August 31, 1957;

authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency."

#### Senate Resolution 431

Senator Parkhouse offered the following resolution:

Whereas, Fess Parker, a native of Texas now residing in Hollywood, California, will be in Austin on June 7, 1955; and

Whereas, Fess Parker is bringing more world-wide fame to his home state through his warm, honest portrayal of Davy Crockett, historic frontiersman and hero of the defense of Texas' independence; and

Whereas, This young man is rendering to the State of Texas an outstanding service in publicizing our fighting spirit; and

Whereas, It is the desire of the Texas Senate of the 54th Legislature to honor Mr. Parker for his service to his State; now, therefore, be it

Resolved, That the Senate of the State of Texas invite Mr. Parker to appear on June 7, 1955, at a time in keeping with his schedule, and that he be allowed to speak to the Senate on a subject of his own choosing and to sing The Ballad of Davy Crockett, the song which he has popularized.

The resolution was read and was adopted.

The President appointed Senators Rogers of Travis and Parkhouse to escort Mr. Parker and other guests to the President's rostrum.

The President presented Senator Parkhouse and he introduced Fess Parker to the Senate.

Mr. Parker thanked the Members for the honor bestowed upon him and presented Mr. Buddy Ebsen, his co-star in The Davy Crockett Story, to the Members of the Senate.

#### Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 301, A bill to be entitled "An Act amending Section 1 of Chap-

ter 332, Acts of the 53rd Legislature, Regular Session, 1953, which is codified as Article 165a-10, Vernon's Texas Civil Statutes; appropriating all unexpended balances of funds and properties heretofore appropriated or granted thereby to Soil Conservation Districts; and declaring an emergency."

#### Senate Resolution 432

Senator Aikin offered the following resolution:

Whereas, Honorable Wallace Welch, one of the outstanding citizens of Paris, Texas, is a visitor at the Capitol today, accompanied by his son, Pete Welch; and

Whereas, The Senate is delighted to have these fine citizens as our guests; now, therefore, be it

Resolved, By the Senate, that they be extended the privileges of the floor for today and extended a hearty welcome.

The resolution was read and was adopted.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 116, A bill to be entitled "An Act fixing the maximum rate of tax to be levied for maintenance purposes in school districts in Texas to the amount not to exceed One Dollar and Fifty Cents (\$1.50) on the One Hundred Dollars (\$100.00) property valuation; providing for a vote of the people before such tax may be levied; providing for the issuance of bonds for the purchase, construction, repair, or equipment of public free schools not to exceed ten per cent (10%) of the total tax valuation of the district; and providing that said districts may levy ad valorem taxes in an amount sufficient to pay the interest on and principal of all bonds heretofore issued or hereafter voted but unissued, or hereafter issued for such purpose; providing for a vote of the people before such bonds may be issued or such tax rates levied; re-

pealing Senate Bill No. 373, Acts, 1947, 50th Legislature, Chapter 314, page 534 (Article 2784e); and repealing all laws and parts of laws in conflict in so far as they are in conflict; and declaring an emergency."

S. B. No. 189, A bill to be entitled "An Act to amend Articles 1061, 1068 and 1070, of the Code of Criminal Procedure of the State of Texas, pertaining to fees allowed district or county attorneys, by raising the fee allowed for conviction of misdemeanors; raising the fees allowed when the defendant pleads guilty before a Justice of the Peace or is convicted on a plea of not guilty before a Justice of the Peace; raising the fee allowed where pleas of guilty are accepted in the justice court at a time other than the regular term thereof; repealing all laws in conflict, and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act providing for initial admissions to State Mental Hospitals; providing that findings of hospital staff be admitted in evidence; providing that notification as to findings be given county court; providing for partial invalidity; and declaring an emergency."

H. C. R. No. 190, Requesting the return of H. B. No. 888 from the Governor's desk to the House for correction.

H. C. R. No. 187, In memory of Richard W. "Dick" Burnett.

H. C. R. No. 96, Granting Shell Oil Company permission to sue the State.

H. C. R. No. 157, Granting Karoll's, Inc., permission to sue the State of Texas.

H. C. R. No. 181, Extending congratulations and birthday greetings to Mrs. Miriam A. Ferguson.

H. C. R. No. 161, Granting permission to the Texas Industrial Loan Co. of Austin to bring suit against the State.

H. C. R. No. 185, Commending the citizens of Salado, Texas.

H. C. R. No. 189, Authorizing the Enrolling Clerk of the House to amend the caption of House Bill No. 77 to conform to the body of the bill.

H. C. R. No. 62, Granting permis-

sion to certain persons, firms and corporations to sue the State of Texas.

H. C. R. No. 126, Granting D. D. Jackson permission to bring suit against the State.

H. B. No. 862, A bill to be entitled "An Act creating a Conservation District under Article XVI, Section 59, of the Constitution, comprising certain territory contained within Harris County, Texas, without power of taxation, for the purpose of providing a source of water supply for municipal, domestic and industrial uses and processing, transporting and distributing the same; etc.; and declaring an emergency."

H. B. No. 942, "Closing the deer season in Commissioners Precinct No. 4 of Burleson County for a period of five (5) years; providing a penalty for violation of the Act; suspending conflicting laws; and declaring an emergency."

H. B. No. 960, Relating to the Juvenile Boards in the Second 9th Judicial District.

H. B. No. 943, Establishing the Cass County Juvenile Board.

H. B. No. 374, A bill to be entitled "An Act prescribing the minimum and maximum salaries that may be paid certain precinct, county, and district officials named in this Act; providing the method of fixing the salaries of these officials; etc.; and declaring an emergency."

H. B. No. 363, A bill to be entitled "An Act to amend Article 2529, Revised Civil Statutes of Texas, 1925, as amended by providing that certain revenue bonds issued by certain cities may be pledged with the State Treasurer as collateral for deposit of state funds, and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act prescribing the maximum compensation that may be paid the County and District Officials named in this Act in counties having a population of less than Twenty Thousand (20,000) inhabitants according to the last preceding Federal Census where the Commissioners' Courts have determined that all county officials shall be compensated on a fee basis with the exception of the sheriffs; etc.; and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act changing the name of 'Le-

gion State Sanatorium' created by House Bill 68, Ch. 30, Acts of the 53rd Leg., Regular Session, 1953, to Legion Branch of the San Antonio State Tuberculosis Hospital; providing that all laws heretofore or hereafter enacted by the Legislature applicable or relating to 'Legion State Sanatorium' shall be applicable and relate to Legion Branch of the San Antonio State Tuberculosis Hospital; providing that all appropriations heretofore or hereafter made by the Legislature for the use and benefit of 'Legion State Sanatorium' shall be available for the use and benefit of Legion Branch of the San Antonio State Tuberculosis Hospital; ratifying existing contracts; and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act ratifying, confirming, approving and validating certain proceedings and actions had by the governing body of certain Water Control and Improvement District or Districts and the organization of said District or Districts and all proceedings relating thereto and all bonds heretofore voted and issued or authorized by any Water Control and Improvement District or Districts; providing that the Act shall apply only to Water Control and Improvement Districts in counties having a population in excess of eight hundred thousand; providing a non-litigation clause and providing the Act will not apply to certain District or Districts; providing a saving clause; and declaring an emergency."

H. B. No. 434, A bill to be entitled "An Act making an appropriation to the State Department of Health for the remainder of the 1954-55 fiscal year to be used for administering the Nursing and Convalescent Homes Licensing Law (Chapter 413, Acts of the 53rd Legislature, Regular Session); and declaring an emergency."

H. B. No. 969, A bill to be entitled "An Act establishing the Titus County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; authorizing appointment of a juvenile officer; prescribing his powers and duties and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

H. B. No. 826, Authorizing the Board of Directors of Texas College of Arts and Industries to levy and

collect a health fee and, with the consent of the student body, a Student Union Building fee.

H. B. No. 939, "Relating to the open season and bag and possession limits for squirrel in Johnson County; and declaring an emergency."

H. B. No. 946, A bill to be entitled "An Act creating the Two Mile Creek Conservation and Reclamation District of Calhoun County, prescribing the boundaries and finding a benefit to such territory, providing for the issuance of bonds by such district under certain circumstances; providing that the general laws shall be applicable to such district; enacting other provisions relating to the subject district to enable the district to function properly; and declaring an emergency."

H. B. No. 944, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, of the Constitution, to be known as 'Tyler County Water Control and Improvement District No. 1'; conferring upon the district the powers of the general laws governing water control and improvement districts where not in conflict with this Act; providing for the governing body of the district; providing that no election on confirmation of the organization of the District and no exclusion hearing shall be held in said District; providing for the issuance of bonds and refunding bonds; providing for a hearing on the plan of taxation for said District; making bonds of the District eligible for investment; and exempting the property and the bonds of the District from taxation; finding a benefit; providing a severability clause; and declaring an emergency."

H. B. No. 892, A bill to be entitled "An Act amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature (1935) by adding thereto a new section to be known as Section 25 (b), authorizing the Commissioners Courts of counties having a population of 800,000 or more to prohibit the sale of alcoholic beverages in a zone within three hundred feet of the Courthouse, or a Civil Courts Building, or a Criminal Courts Building, or Jail or Courthouse Annex or Branch Courthouse, or other building in which a court or courts of the State or County may be held or pris-

oners kept; and providing a method of measuring such distance of three hundred feet; and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act regulating the release and hunting of legally propagated pheasants in Travis County, and declaring an emergency."

H. B. No. 837, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act and further regulate and control alcoholic beverages; and so as to issue wine and beer retail permits to regularly scheduled excursion boats which have been duly licensed by the United States Coast Guard to carry passengers upon the navigable waters of the State of Texas; providing a saving clause; repealing laws in conflict herewith; and declaring an emergency."

H. B. No. 948, Authorizing the Board of Texas State Hospitals and Special Schools to grant an easement over certain state-owned lands in Kerr County, to the county for right-of-ways.

H. B. No. 883, A bill to be entitled "An Act permitting the propagation and sale of minnows under certain conditions in Bosque, Coryell, Erath and Hamilton Counties; repealing conflicting laws; and declaring an emergency."

H. B. No. 940, "Creating Upper Jasper County Water Authority; providing for its organization and governing body; prescribing its powers, authority, functions, duties and privileges, etc.; and declaring an emergency."

H. B. No. 857, A bill to be entitled "An Act to amend Subdivision 62 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that Hopkins County shall be within the 62nd Judicial District; changing the terms of the District Courts of Hunt, Lamar, Delta, Franklin, and Hopkins Counties; providing for the jurisdiction of such courts and the functions of the judges thereof; providing procedure for transfer of cases and proceedings; providing

procedure for transferred cases and proceedings; providing for the exchange of benches and for judges to sit for each other; providing for district clerks and sheriffs to serve the courts; validating and continuing all process issued or served before this Act takes effect; making such process returnable to the next term of the Court; validating the summoning of grand and petit juries under this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act defining the term 'issuer' as used in this Act; authorizing an issuer to make deposits, plus handling charges, with the State Treasurer to provide for redemption of outstanding obligations at maturity or at call date where lawfully called for redemption; providing for the issuance, approval, registration and sale of refunding bonds of issuers where all or part of the obligations being refunded are not surrendered by the holders for cancellation; prescribing the duties of the State Treasurer and State Comptroller; providing for disposition of such deposits; repealing inconsistent or conflicting provisions of other laws; and declaring an emergency."

H. B. No. 614, A bill to be entitled "An Act relating to driving a motor vehicle while intoxicated, amending Article 802 of the Penal Code of Texas, as amended, so as to provide for punishment by confinement in jail or by fine, or by both confinement in jail and fine; amending Chapter 173, Acts of the 47th Legislature, 1941, codified as Article 6687b in Vernon's Texas Civil Statutes and commonly called the Drivers License Law, so as to eliminate a provision for automatic suspension of license upon conviction for the misdemeanor offense of driving while intoxicated and to add a provision giving the judge of the court in which the conviction is had the authority to suspend the license, and making other provisions relative to the suspension; and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act to amend Section 30, Chapter 4, page 602, Acts 1939, Forty-sixth Legislature, Regular Session, by adding Subsection (a) to provide for a physical examination of the motor numbers, serial numbers, or permanent identification numbers of all motor vehicles last registered, titled or

used in any other state or country; providing that the examination be made by duly constituted peace officers; providing that the peace officer's certifications of said numbers be made a part of the evidence filed with the applications for certificate of title of said vehicles; providing a saving clause as to the constitutionality; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act relating to exemptions of lodges, orders, societies, and associations from provisions of the Insurance Code; amending Article 10.38 of the Insurance Code and Article 12.6 of the Insurance Code; repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act making it unlawful to take, trap, hunt, kill, or attempt to kill wild deer in Washington County, for a period of five (5) years from and after October 15, 1955; providing a penalty; and declaring an emergency."

#### Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 7, 1955.

To the Senate of the Fifty-fourth Legislature.

On May 30, 1955, I nominated General K. L. Berry to be Adjutant General of the State of Texas.

General Berry advises that his home and residence is at Austin, Travis County, and has been for a number of years, and that he has been voting in Austin for several years.

Please correct your records to properly reflect his residence as Austin, Travis County, Texas.

Respectfully submitted,

ALLAN SHIVERS,  
Governor of Texas.

#### Senate Resolution 433

Senator Willis offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, James M. Gustafson, State Chaplain for Disabled Veterans of Texas, from Tarrant County, Texas, his wife Argie and daughter Janis; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Willis, by unanimous consent, presented the guests to the Members of the Senate.

#### House Bill 711 Ordered Not Printed

On motion of Senator Moffett, and by unanimous consent, H. B. No. 711 was ordered not printed.

#### Conference Committee on House Bill 53

Senator Strauss called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 53 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Strauss, Moore, Parkhouse, Rogers of Travis and Wagonseller.

#### Conference Committee Report on House Bill 341

Senator Hardeman submitted the following Conference Committee Report on H. B. No. 341:

Austin, Texas,  
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 341, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HARDEMAN  
AIKIN  
WEINERT  
LANE

On the part of the Senate.

BRISCOE  
CLEMENTS  
BANKS  
SPILMAN  
CORY

On the part of the House.

H. B. No. 341:

A BILL  
TO BE ENTITLED

"An Act amending the Veterans Land Board-Veterans Land Fund Act, being Chapter 318, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended by Chapter 324, Acts of the Fifty-second Legislature, Regular Session, 1951; requiring an appraisement of all lands purchased by the Board; providing that any appraiser shall be reasonably qualified; providing for a sworn report of certain matters by the appraiser; providing for a sworn report of certain matters by the seller; providing certain conditions for the purchase of land and for title examination; providing for the purchase of land subject to outstanding mineral and royalty interests and conditions relative thereto; providing for the appointment of a local committee to pass upon the qualifications of the veteran and matters relating to the transaction; providing that the Board may make such other inquiries and investigations as it deems proper; providing the maximum purchase price; providing that each tract shall be considered as a wholly separate entity; providing for down payment by the veteran and disposition thereof; providing the manner of processing applications; providing that the veteran shall carry adequate insurance and authorizing the Board to collect premium payments to be held in trust; providing the conditions and limitations upon which land may be transferred by the veteran; providing the conditions and limitations of leases by the veteran; providing for payment to the Board of one-half ( $\frac{1}{2}$ ) of the money received by the veteran under mineral leases; providing for forfeiture of the Contract of Sale and Purchase by the Board, resale of the land and reinstatement of the sale; providing for the enforcement of forfeiture and collection of delinquent payments and the liability therefor; providing for the resale of forfeited land to qualified veterans; providing for the promulgation of rules and regulations by the Board and the penalty for violation thereof; providing that the Board may prescribe the form and contents

of all other necessary instruments; providing for the collection of certain fees and appropriating these fees to the Board; providing that the Board may make investigations and issue subpoena duces tecum; providing penalties, forfeiture and presumption of fraud for failure to comply with orders of the Board; providing for the purchase of supplies and the issuance of pamphlets by the Board; providing for minutes to be kept; providing penalties for violations of the Act; providing a saving and severability clause; making the Act cumulative; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Veterans Land Board-Veterans Land Fund Act, as enacted by Chapter 318, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended by Chapter 324, Acts of the Fifty-second Legislature, Regular Session, 1951, hereinafter in this Act designated as the "Act" be and the same is hereby amended by adding a new section thereto to be known as Section 10 (A), to read as follows:

"Section 10 (A). Before purchasing land under any of the provisions of this Act, the Board shall cause to be made an appraisement of the property in order to determine its value. Any appraiser representing the Board shall be reasonably qualified to give competent appraisals of land. Such appraiser shall make a written report to the Board in affidavit form, duly sworn to before a Notary Public or other official authorized to administer oaths, showing the appraised value of the land, the names and addresses of any person contacted relative to the valuation of the land, that he has examined the records of the County Clerk's office relative to the amount paid by the vendor for such land, that he has checked past sales of adjacent lands to aid in determining valuation, and if the purchase is being made under Section 16 hereof, that he has met the veteran on the land and has explained the transaction as authorized by this Act to him in detail; and that neither the appraiser, nor any member of his family, has received any personal benefits from the transaction and does not expect to receive any future personal benefits from the transaction.

"Before any land is purchased by the Board, whether it be under Sec-



tion 10 or Section 16 hereof, the Board shall require that the seller execute a sworn report to the Board to include the following: (1) the date the seller purchased the land, (2) the amount the seller paid therefor if purchased subsequent to June 7, 1949, (3) from whom the seller purchased the land, (4) the improvements made on the land since the seller purchased it and the cost thereof; and if the purchase is being made under Section 16 hereof, the following must be included in addition thereto: (5) whether the seller by any manner or method is making the down payment to the Board on behalf of the veteran, (6) whether there is a lease arrangement between the seller and the veteran, and if so, the duration, term, and amount to be paid, (7) whether there is an agreement or contract of any nature to transfer, sell, or convey at any time in the future between the seller and the veteran."

Sec. 2. That Section 11 of said Act be and the same is hereby amended so as to hereafter read as follows:

"Section 11. All land purchased by the Board shall be acquired at the lowest price obtainable, in the opinion of said Board, taking into consideration the quality, location, natural advantages and improvements of such land, and shall be paid for in cash and shall be clear of all liens and shall constitute a part of the Veterans Land Fund. It shall be the duty of the Board, before making payment for any land, to have the title of the property sought to be bought, examined, and may require for this purpose an abstract of title or a policy of title insurance, and may refer the same to the Attorney General for his examination and opinion. The Board may purchase lands which are subject to outstanding mineral leases or with all or a part of the mineral interests being outstanding, provided the title be otherwise good and marketable."

Sec. 3. That Section 15 of said Act be and the same is hereby amended so as to hereafter read as follows:

"Section 15. There shall be appointed by the Commissioners Court of each county in this State a committee to be composed of three (3) residents of that county, all of whom shall be real property owners in said county. Any person deeming himself a veteran as defined herewith, and desiring to benefit hereunder, shall submit to such committee such forms as may be prescribed by the Board, and before he

submits his application of purchase and sales contract to the Board, which the committee will consider and then submit a report to the Board concerning the financial responsibility of the veteran, if such is known, a statement as to whether or not in their opinion the transaction is bona fide, and a statement from them as to what they consider is the reasonable value of the land in question. Provided, however, that when the veteran is a resident of one (1) county and is seeking to purchase land situated in another county, he shall submit such forms to the local committees of both such counties. The Board shall also be supplied with a statement as to the credit rating of the veteran applicant. The Board may make such other inquiries and investigation as it deems proper, in order to determine the veteran's eligibility and qualifications, and if the Board determines from the information submitted, or from its own inquiries and investigation, that the financial responsibility of the veteran is such as to leave a reasonable doubt as to his ability to carry the contract through to completion and make all payments thereon, the Board shall reject his application; provided further that the provisions of this section shall not, unless the Board desires, be applicable to sales under Section 12 and Section 19 (A) of this Act."

Sec. 4. That Section 16 of said Act be and the same is hereby amended so as to hereafter read as follows:

"Section 16. Anything contained in this Act to the contrary notwithstanding, it is expressly provided that where the veteran desires a particular tract of land located in this State, containing not less than fifteen (15) acres, which he can purchase for not exceeding Fifteen Thousand Dollars (\$15,000), he may, upon proper showing of eligibility to benefits hereunder, be authorized by the Board to select the land which he desires and submit his selection to such Board on such form as it may prescribe. The Board may purchase such land from the owner thereof upon the terms agreed, if the Board is satisfied of the value and desirability of the property submitted, and pay not to exceed Seven Thousand, Five Hundred Dollars (\$7,500) of the purchase price, provided the veteran pays cash for all the purchase price over Seven Thousand, Five Hundred Dollars (\$7,500). The Board shall cause to be made such appraisalment of the property as it deems necessary

in order to determine value, and before consummating a purchase shall satisfy itself as to title as provided in Section 10 of this Act. No transaction under this Act shall be considered together with any other transaction so as to constitute a block deal between the State and two or more veteran purchasers, and each tract of land shall be considered as a wholly separate entity without dependence upon any other tract of land, substance, matter, person or thing in determining its value, purchase or sale, under any of the provisions of this Act; provided, however, that nothing in this Act shall be construed so as to prevent the purchase and/or sale of contiguous tracts of land to separate purchasers so long as the value of the land is determined in the above manner. The property so acquired shall become a part of the Veterans Land Fund, but the veteran who has selected the land so acquired shall have a preference right to purchase the same from the Board. The rules and regulations governing the sale of land under this section shall be governed by the provisions hereinafter made with reference to sale of land generally by the Board, except where same conflicts with this section. In order to be entitled to such preference right, the veteran shall, before the Board purchases said land, have agreed in writing to purchase said selected land from the Board at the purchase cost to the Board and shall have deposited with the State Treasurer in a suspense account to be held until the title of said land is approved and accepted by the Board, at which time said deposit shall be applied to the down payment on the contract of sale and purchase of land by said veteran. If the title to said land is not approved and accepted by the Board, said deposit by the veteran shall be returned to him. In so far as practicable, all applications shall be processed in the order in which they are received by the Board."

Sec. 5. That the said Act be and the same is hereby amended by adding a new section thereto to be known as Section 16 (A), which section shall read as follows:

"Section 16 (A). Each veteran purchaser shall carry such insurance on the improvements on the property under contract of purchase under this Act as the Board may deem necessary and failure to do so will subject his contract to forfeiture under the provisions of Section 19 hereof.

The Board is authorized to promulgate such rules and regulations it deems necessary in the enforcement of this provision and if the Board so desires, it may require each veteran applicant subject to this provision to make additional semi-annual payments to be held in trust for the payment of premiums that may become due and unpaid on any contracted insurance covering such improvements. If the Board requires such payments to be made, they shall be deposited in a trust fund with the State Treasurer and shall be used for the purpose of making such premium payments. Any unused balance of each veteran's deposit shall be held by the Board until such time as the maintenance of such account becomes unnecessary at which time such funds shall be refunded to the veteran."

Sec. 6. That Section 17 of said Act be amended so as to hereafter read as follows:

"Section 17. The sale of all lands hereunder by the Board may be properly initiated by contract of sale and purchase, and said contract shall be recorded in the deed records in the county where the land is located. The purchaser shall make an initial payment of at least five per cent (5%) of the selling price of the property. The balance of said selling price shall be amortized over a period to be fixed by the Board, but not exceeding forty (40) years, together with interest thereon at the rate of three per cent (3%) per annum; provided, however, that the purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; provided further, that in any individual case the Board may for good cause postpone from time to time, upon such terms as the Board may deem proper, the payment of the whole or any part of any installment of the selling price or interest thereon. The Board is empowered in each individual case to specify the terms of the contract entered into with the purchaser, not contrary to the provisions of this Act, but no property sold under the provisions of this Act shall be transferred, sold or conveyed, in whole or in part, until the purchaser has enjoyed possession for a period of three (3) years from the date of purchase of said property and complied with all the terms and conditions of this Act and the rules and regulations of the Board; provided, however, that should the veteran purchaser die or become incapacitated by reason of ill-

ness, the property may be conveyed before the expiration of said three (3) years by said purchaser or his heirs, administrators or executors; provided, further, that a purchaser may transfer, sell, or convey land purchased under the provisions of this Act, after he has enjoyed possession for a period of three (3) years from the date of his purchase, to another qualified Texas Veteran who has not previously participated in this Program, provided all matured interest, principal, and taxes have been paid and that the terms and conditions of this Act and the rules and regulations of the Board have been met; and provided further, that a purchaser may transfer, sell, or convey land purchased under the provisions of this Act, after he has enjoyed possession for a period of three (3) years from the date of his purchase, to an individual, firm, or corporation, provided all matured interest, principal, and taxes have been paid, and provided that the assignee may assume an indebtedness to the Board of an amount not exceeding two-thirds ( $\frac{2}{3}$ ) of the Board's commitment on which the purchaser's contract was based, and the terms and conditions of this Act and the rules and regulations of the Board have been met, and that the assignee assume an interest rate on his indebtedness to the Board to be fixed by the Board at not less than four per cent (4%) per annum; provided, however, that property sold under the provisions of this Act may be transferred, sold, or conveyed at any time after the entire indebtedness due the Board has been paid. Any land purchased under the provisions of this Act may not be leased by the purchaser for any term exceeding ten (10) years, except for oil, gas or other minerals, and so long thereafter as any minerals may be produced therefrom in commercial quantities, and no such lease shall contain any provision for option or renewal of such lease, or release of such property for any term. The taking of any option, renewal, or re-lease agreement in a separate instrument to take effect in the future is prohibited, and any such lease or instrument containing such an option, renewal, or re-lease agreement executed after the effective date of this Act in violation hereof, is expressly declared to be void. When the entire indebtedness due the State under the contract of sale is paid, the Chairman of the Veterans Land Board shall execute a deed under its seal to the orig-

inal purchaser of the land, which deed shall inure to the benefit of the legal owner of said land."

Sec. 7. That Section 18 of said Act be and the same is hereby amended so as to hereafter read as follows:

"Section 18. If at any time, while the veteran is indebted to the Board for the land purchased, he should execute, or there is in existence a lease or contract of sale of oil, gas, or any other mineral, chemical, or hard metal, or a lease or contract of sale of any timber, sand, gravel, or other materials, covering such land, or any part thereof, the removal of which would deplete the corpus of the tract; at least one-half ( $\frac{1}{2}$ ) of all bonus money, delay rentals, and royalties received as consideration for, or payment under such oil, gas and mineral lease, and at least one-half ( $\frac{1}{2}$ ) of all moneys received under any such lease or contract of sale of any other minerals, chemicals, hard metals, timber, sand, gravel, and other materials, or so much thereof as may be required, shall be paid to the Board by the owner of such lease or contract of sale and applied by it toward the satisfaction of said indebtedness; provided, further, that no oil, gas or mineral lease shall be for a primary term exceeding ten (10) years and the lease may provide that it shall remain in force as long thereafter as production is obtained in paying quantities."

Sec. 8. That Section 19 of said Act be and the same is hereby amended so as to hereafter read as follows:

"Section 19. In the event that any portion of the interest or principal on any sale should not be paid when due, the contract of sale and purchase shall be subject to forfeiture by the Board, upon thirty (30) days written notice to the original purchaser and his vendees, such notice shall be sufficient when given by registered mail to the last known address of the original purchaser and his vendees, and such forfeiture shall be effective when the Board shall have met and passed a resolution directing the Chairman of the Board to endorse upon the wrapper containing the papers of said sale, or upon the purchase contract filed in the Land Office, the word 'forfeited,' or words of similar import, with the date of such action, and to sign officially; thereupon the lands and all payments theretofore made shall become forfeited. Upon forfeiture full title to the land, including both the surface and mineral estates, shall revert in the Board; provided, however, that

the Board may at its option recognize and continue in force and effect any outstanding surface, oil, gas or mineral lease and collect all rentals, royalties, or other amounts payable thereunder. A notice of the action of the Board in forfeiting the original contract shall be mailed to the County Clerk of the county wherein the land is located, and the said Clerk shall enter on the margin of the page or pages containing the record of the original contract a notation of such forfeiture. Land included in such forfeited contract shall be subject to resale under the terms as set forth in Section 19A hereof. In any case where the sale has been forfeited and the title to the lands reverted in the Veterans Land Fund, the original purchaser or his vendee shall have the right to reinstate his purchase contract at any time prior to the date on which the Board shall have met and ordered the said lands to be advertised for resale, or for lease for mineral development, but not thereafter. Any person exercising a right of reinstatement shall pay all interest, penalties and cost incident to the reinstatement, as shall be prescribed by the said Board. All interest and principal which shall become delinquent shall bear interest at the rate of five per cent (5%) per annum from the date the same becomes delinquent, until paid.

"The Board acting by and through the Attorney General is hereby directed to institute such legal proceedings as may be necessary to enforce such forfeitures or to recover the full amount of the delinquent installments, interest, and other penalties as may be due the Board at the time such forfeiture occurred, or to protect any other right to such land. The liability of the original veteran purchaser and any subsequent assignee or assignees of such veteran shall be joint and several, but the original veteran purchaser shall be primarily liable for payment of any and all moneys under the original contract of sale and purchase.

"In any action brought in the courts against the State, after obtaining permission of the Legislature, involving the title to any tract of land to which the State has a warranty deed, the State shall have the right to plead all statutes of limitations in the general laws of this State. This shall not be considered as a limitation to any other defense the State might have."

Sec. 9. That the said Act be and

the same is hereby amended by adding a new Section thereto to be known as Section 19 (A), which shall read as follows:

"Section 19 (A). The resale of land which has been forfeited under the provisions of this Act may be made to the highest bidder; provided, however, that sales shall be made to qualified veterans only and under the same terms and conditions as provided elsewhere in this Act for original sales. Such sales shall be held at such times and in such manner as the Board may prescribe and the Board shall have the right to reject any and all bids."

Sec. 10. That Section 21 of said Act be and the same is hereby amended so as to hereafter read as follows:

"Section 21. The Board is hereby authorized and empowered to make and promulgate such rules and regulations under this Act, and not inconsistent herewith, as it shall deem to be necessary or advisable. Such rules and regulations shall be considered a part of this Act and any violation thereof shall subject the offender to prosecution under the provisions of Section 32 hereof. The Board shall likewise have the power to prescribe the form and contents of all notices, bids, applications, awards, contracts, deeds, or instruments whatsoever in any manner used by it in so carrying out such project and plan when the same shall not be in conflict with law. The Board is hereby made the sole judge of forfeiture of any purchase contract under this Act, and anyone availing of the provisions of this Act shall by so doing agree to abide by the same; and should the Board declare a forfeiture under said purchase contract, then the purchaser shall vacate the premises within thirty (30) days after receipt of notice of such declaration.

"The Board is hereby authorized and required to collect a fee of Fifty Dollars (\$50) from each applicant under Section 16 of this Act, which fee shall be held in a trust fund to be used for the purpose of payment for examination of title, recording fees and other allied expenses and any unused balance remaining after payment for such items shall be deposited in the State Treasury and credited to the Veterans Land Board Special Fund.

"The Board is further authorized and required to charge and collect for the use of the State the following fees for the processing and servicing of purchase applications and Contracts

of Sale and Purchase and matters incidental thereto:

1. Appraisal and service fee for each application under Section 17 of this Act, \$50.00;

2. Contract of Sale and Purchase transfer fee for each transfer, \$25.00;

3. Mineral lease service fee for each lease executed by purchasers, \$7.50;

4. Reappraisal fee where purchaser applies for deed on building site, \$25.00;

5. Fee for each loan of abstract, \$5.00;

6. Fee for servicing and filing each easement, \$5.00;

7. Service fee for each sale under Section 19 (A) of this Act, \$25.00.

"All monies received by payment of the above fees shall be deposited in the State Treasury and credited to the Veterans Land Board Special Fund, and said Fund is hereby appropriated to the Veterans Land Board to be used as it deems necessary to pay any salaries, increasing of salaries, or travel expenses, of the employees of the Veterans Land Board, or employees of the General Land Office doing work with the Veterans Land Program, provided, however, that such salaries, or expenses, shall be in line with the salaries or expenses paid to similar employees of other state departments performing similar duties."

Sec. 11. That the Act be and the same is hereby amended by adding a new section thereto to be known as Section 21 (A), to read as follows:

"Section 21 (A). The Board is hereby authorized to make any investigation it deems necessary relating to any transactions involving land purchases or sales under this Act with specific authority to administer oaths, to examine any books, records, or other documents dealing with or relating to such transactions, or any person, firm, corporation, or association involved in the transaction, and to make such copies thereof as in its judgment may show or tend to show fraud upon the Board or veteran, or any violation or attempted violation of this Act; the Board is further authorized to issue subpoena duces tecum requiring such persons, firms, corporations or associations to produce any books, records, or any other documents to the Board for examination. If any corporation shall fail or refuse to comply with the orders of the Board under this Section, such corporation shall thereby forfeit its

right to do business in this State, and its permit or charter shall be canceled or forfeited by the Attorney General. Such failure or refusal by any person, firm, corporation, or association, shall be presumed to be prima facie evidence of fraud upon the Board and veteran in violation of this Act by such person, firm, corporation or association, and such person, firm, corporation or association shall lose and forfeit all its rights and benefits under this Act."

Sec. 12. Section 24 of the Act be and the same is hereby amended so as to hereafter read as follows:

"Section 24. The Board is hereby specifically authorized to purchase through the State Board of Control any and all supplies including, but not by way of limitation, stationery, stamps, printing, record books, and such other things as may be needed, at State expense, in order to carry on its functions as a State agency in the performance of the duties herein imposed upon it. The Board shall cause to be published pamphlets containing the provisions of this Act and any rules and regulations the Board desires, to be made available to any interested veteran, veterans' organization, or other interested persons in this State."

Sec. 12 (A). Section 25 of the Act be and the same is hereby amended so as to hereafter read as follows:

"Section 25. The Board shall meet, when necessary, on the first and third Tuesdays of each month in the General Land Office, where its sessions shall be held and continue until its docket is cleared, subject to recesses at the discretion of the Board. The Chairman of the Board may call a special meeting of same at any time he thinks necessary, by giving the other members notice thereof. Minutes of each meeting of the Board shall be kept, and only those matters that actually transpire at the meeting shall be entered thereon. The Board shall select an Executive Secretary and an Assistant Executive Secretary, each of whom shall be nominated by the Commissioner of the General Land Office and approved by a majority of the Board, who shall perform all duties required of them by said Board. The Board shall procure and adopt a seal bearing the words 'Veterans Land Board' encircled by the oak and olive branches, common to other official seals. The Commissioner of the General Land Office is authorized to employ all other employees which may

be necessary for the discharge of the duties of the Board, such as stenographers, typists, bookkeepers, surveyors, appraisers, and any and all other employees, in such number and for such time as may be necessary to the performance of their duties. The employees of the Board shall be deemed to be employees of the General Land Office, and all civil and criminal laws regulating the conduct and relations of the employees of the General Land Office shall apply in all things to the employees of the Board. All papers, records, and archives of the Board shall be deposited and kept in the General Land Office.

"The provisions of the Veterans Land Act shall apply to the successors, if any, of the Veterans Land Board."

Sec. 13. The Act be and the same is hereby amended by adding a new section thereto to be known as Section 32, to read as follows:

"Section 32. (a). Any person, seller, veteran or appraiser, who shall knowingly make, utter, publish, pass or use any false, fictitious, or forged paper, document, contract, affidavit, application, assignment, or other instrument in writing, in connection with or pertaining to any transaction under this Act, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by confinement in the State Penitentiary for not less than two (2), nor more than ten (10) years, or by fine of not less than One Thousand Dollars (\$1,000), nor more than Ten Thousand Dollars (\$10,000), or by both such fine and imprisonment.

"(b). Any person who shall knowingly file any false, fictitious, or forged paper, document, contract, affidavit, application, assignment, or any other instrument in writing, pertaining to the purchase, sale, or resale of lands under this Act, shall be guilty of a felony, and upon conviction thereof, shall be punished by confinement in the State Penitentiary for not less than two (2), nor more than ten (10) years, or by fine of not less than One Thousand Dollars (\$1,000), nor more than Ten Thousand Dollars (\$10,000), or by both such fine and imprisonment.

"(c). Whoever shall defraud any veteran of his rights and benefits under the provisions of this Act, by any act of fraud, duress, deceit, coercion, or misrepresentation, or whoever shall use the purposes or provisions of this Act to defraud the

State or any veteran by an act of fraud, duress, coercion, misrepresentation, or deceit, shall be guilty of a felony, and upon conviction thereof, shall be punished by confinement in the State Penitentiary for not less than two (2), nor more than ten (10) years, or by fine of not less than One Thousand Dollars (\$1,000), nor more than Ten Thousand Dollars (\$10,000), or by both such fine and imprisonment."

Sec. 14. The provisions of this Act shall be cumulative of all other laws not in conflict herewith, but where a conflict exists, this Act shall be controlling.

Sec. 15. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 16. The fact that the Veterans Land Program has been of great benefit to many veterans in the State of Texas, and that the State of Texas and some veterans have been defrauded by unscrupulous promoters taking advantage of the Program, and the fact that the present law does not set forth qualifications for land appraisers or the procedure to be followed by such appraisers, and that sellers are not now required to disclose any facts relating to their transactions, and the fact that sellers and purchasers under the Act may now enter into long-term leases, or contracts to purchase, thereby defeating the purpose of the Act, and the fact that the Veterans Land Board does not now possess the authority to make investigations of transactions under the Act, and the fact that the present law does not set forth any penalties for fraud upon the Veterans Land Act or violations against the Act create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Senator Hardeman moved the adoption of the Conference Committee Report on H. B. No. 341.

Senator Moffett moved as a substitute motion that the Conference Committee Report on H. B. No. 341 be rejected and a new Conference Committee be appointed to adjust the difference between the two Houses.

The substitute motion was lost by the following vote:

Yeas—6

Fly	Rogers
Martin	of Childress
Moffett	Shireman
	Wagonseller

Nays—19

Aikin	McDonald
Ashley	Moore
Bracewell	Parkhouse
Corbin	Phillips
Fuller	Ratliff
Hardeman	Rogers of Travis
Kazen	Secrest
Kelley	Strauss
Lane	Willis
Lock	

Absent

Colson	Owen
Hazlewood	Weinert
Latimer	

Absent—Excused

Roberts

Question recurring on adoption of the Conference Committee Report on H. B. No. 341, the report was adopted.

#### Record of Vote

Senator Wagonseller asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 341.

#### Conference Committee Report on House Bill 724

Senator Lane submitted the following Conference Committee Report on H. B. No. 724:

Austin, Texas,  
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 724, have met and had same under consideration, and beg to report it back with the recommendation that it

do pass in the form and text hereto attached.

LANE  
HAZLEWOOD  
AIKIN  
SECREST

On the part of the Senate.

HUFFMAN  
FERRELL  
STOREY  
TURMAN  
LEE

On the part of the House.

H. B. No. 724:

#### A BILL

#### TO BE ENTITLED

"An Act relating to expenses of members of the Commissioners Court in connection with the use of privately owned automobiles for traveling on official business within the county; amending Chapter 456, Acts of the Fifty-second Legislature, 1951, by adding a new section authorizing an allowance not to exceed One Hundred Dollars (\$100) per month for each member of the Commissioners Court in counties having a population in excess of forty-seven thousand (47,000) and having an assessed valuation in excess of Forty Million Dollars (\$40,000,000); and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 456, Acts of the Fifty-second Legislature, 1951, which is codified as Article 2350n of Vernon's Texas Civil Statutes, is hereby amended by adding a new section numbered Section 3a, reading as follows:

"Section 3a. In any county in this State having a population in excess of forty-seven thousand (47,000), according to the last preceding or any future Federal Census, and having an assessed valuation in excess of Forty Million Dollars (\$40,000,000), as shown by the total assessed valuations of all properties certified by the county assessor and approved by the Commissioners Court, for county purposes, for the previous year, the Commissioners Court is hereby authorized to allow each member of the Commissioners Court the sum of not exceeding One Hundred Dollars (\$100) per month for traveling expenses and depreciation on his automobile while on official business within the county. Each member of such Commissioners Court shall pay all expenses in the

operation of such automobile and keep same in repair free of any other charge to the county." The provisions of this act shall not lower the amount of compensation being received at the effective date of this act by any member of a Commissioners Court for traveling expenses and depreciation on his automobile used on official business.

Sec. 2. The fact that the amount of business performed by the Commissioners Court and the amount of travel incident thereto are increased in counties having a large assessed valuation, and the further fact that the present allowance is not sufficient to cover the necessary travel expenses of the members of the Commissioners Court in a number of counties affected by this Act create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

#### Record of Votes

Senators Phillips and Hardeman asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 724.

#### Senate Bill 272 with House Amendments

Senator Lock called S. B. No. 272 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lock moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Resolution 434

Senator Phillips offered the following resolution:

Whereas, We deem it necessary and to the best interests of the people of the State of Texas that a Senate General Investigating Committee be appointed, having the powers as hereinafter set forth; now therefore, be it

Resolved, by the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five Members of the Senate, one of which shall be designated Chairman, to sit at such times and places between this date and the date of the convening of the Regular Session of the 55th Legislature as may to said committee seem necessary and proper, provided however, that said committee shall only be called into session and sit for the purpose of transacting business and holding hearings upon the call of the Chairman on a majority vote of the entire committee. In the event the Chairman shall fail or refuse to call the committee after having been requested to do so by a majority thereof, then the committee may be called by a majority thereof. The committee shall continue the inquiries heretofore begun by the committee heretofore authorized and appointed, relative to law violations and the administration of all state laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditure of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Section 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury in this State.

Section 3. The Committee shall act and function upon a majority vote of its entire membership, and not otherwise. It shall have power to issue process for witnesses to any place in this state, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments



which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any employee of the Department of Public Safety or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Section 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Section 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Section 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, and give counsel and assistance to said committee on request of chairman or members of said committee.

Section 7. That said committee shall submit a report in writing to the 55th Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the 54th Legislature and out of any fund

otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said 54th Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

The resolution was read and was adopted.

#### Conference Committee Report on Senate Bill 430

Senator Rogers of Travis submitted the following Conference Committee Report on S. B. No. 430:

Austin, Texas,  
June 3, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and House of Representatives on S. B. No. 430, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ROGERS of Travis  
AIKIN  
LANE  
HARDEMAN

On the part of the Senate.

JOHNSON  
KELLY

BRADSHAW

JACKSON of Cass

On the part of the House.

S. B. No. 430:

#### A BILL

#### TO BE ENTITLED

"An Act amending Article 653, Revised Civil Statutes of 1925; providing that purchases and contracts awarded by the Board of Control for every State agency, of any kind or character, shall be of the kind and type as requisitioned; providing that the specifications and conditions in such requisitions shall be subject to approval by the Board of Control; providing that any receiving agency of the State receiving items, supplies, equipment, or services shall inspect the same, and if in the opinion of the

receiving agency any of the items, supplies, equipment, or services do not meet specifications, such receiving agency is to notify the Board of Control in writing, setting forth reasons and particulars wherein specifications are not met; providing that the duty and power to determine whether such items, supplies, equipment, or services comply with specifications shall rest with the Board of Control; providing that the State Board of Control shall have the right to designate which items and supplies are perishable and to delegate to the State Agency receiving perishable items and supplies the authority to determine whether or not said perishable items and supplies comply with the specifications; providing that the State Board of Control shall make its determinations whether or not items, supplies, equipment or services comply with the specifications within fifteen days; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Article 653, Revised Civil Statutes of Texas of 1925, is amended hereby so as to read hereafter as follows:

"Article 653. All purchases and contracts awarded by the State Board of Control for each and every State department, board, commission, eleemosynary or educational institution, or State agency of any kind or character whatsoever, shall be of the kind and type as requisitioned; and the specifications and conditions included in such requisition shall be subject to approval by the State Board of Control.

"It shall be the duty of any State department, board, commission, eleemosynary or educational institution, or other State agency upon receipt of any items, supplies, equipment, or services purchased by the Board of Control under any contract to inspect the same. If in the judgment of such receiving agency any of the items, supplies, equipment, or services do not meet the specifications set forth in the contract, such agency shall forthwith notify the Board of Control in writing, setting forth the reasons and the particulars wherein the same does not comply with the specifications. The duty, and the sole power to determine whether or not such items, supplies, equipment, or services comply with the specifications, shall rest with the State Board of Control. Provided, how-

ever, the State Board of Control shall have the right to designate which items and supplies are perishable items and supplies and the State Board of Control shall have the right to delegate to the State Agency receiving said perishable items and supplies the authority to determine whether or not said perishable items and supplies comply with the specifications; and provided further, the State Board of Control shall make its determinations on whether or not such items, supplies, equipment or services comply with the specifications within fifteen (15) days after receiving from the agency receiving said items, supplies, equipment or services their reasons and particulars why the same does not comply with the specifications."

Sec. 2. The crowded condition of the calendars in both Houses of the Legislature, and the importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

**House Concurrent Resolution 193 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 193, Recalling H. B. No. 663 from the Governor's office for correction.

The resolution was read second time and was adopted.

**Conference Committee Report on House Bill 290**

Senator Bracewell submitted the following Conference Committee Report on H. B. No. 290:

Austin, Texas,  
June 3, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 290, have met and had same under

consideration, and beg to report it back with the recommendation that it do pass in the form attached.

KAZEN  
BRACEWELL  
LANE  
SECREST  
LATIMER

On the part of the Senate.

WINFREE  
COLE  
ELLIOTT  
YANCY  
MOORE

On the part of the House.

H. B. No. 290:

#### A BILL

#### TO BE ENTITLED

"An Act to encourage discipline in county jails; authorizing a system of reward for good jailee conduct; providing for the commutation of time for good conduct, industry and obedience, and authorizing the sheriff to make such commutation; authorizing a deduction from the term or terms of sentences if no charge of misconduct has been sustained against an inmate, such deduction not to exceed one-third (1/3) the time of the original sentence; providing that a prisoner under two or more accumulative sentences shall be allowed commutation as if they were all one sentence; providing for the forfeiture of any part or all of the commutation provided in this Act for each sustained charge of misconduct in violation of any rule known to the jailee; requiring the sheriff to keep or cause to be kept a conduct record in card or ledger form and a calendar card on each inmate showing all forfeitures of commutation time and the reasons therefor; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In order to encourage county jail discipline a distinction may be made in the term of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts; the reward to be bestowed on prisoners for good conduct shall consist of such relaxation of strict county jail rules, and extension of social privileges as may be consistent with proper discipline. Commutation of time for good conduct, industry and obedience may be granted the inmates

of each county jail by the sheriff in charge. A deduction in time not to exceed one-third (1/3) of the original sentence may be made from the term or terms of sentences when no charge of misconduct has been sustained against the prisoner. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For such sustained charge of misconduct in violation of any rule known to the prisoner (including escape or attempt to escape) any part or all of the commutation which shall have accrued in favor of the prisoner to the date of said misconduct may be forfeited and taken away by the sheriff. No other time allowance or credits in addition to the commutation of time for good conduct herein provided for may be deducted from the term or terms of sentences. The sheriff shall keep or cause to be kept a conduct record in card or ledger form and a calendar card on each inmate showing all forfeiture of commutation time and the reasons therefor.

Sec. 2. The fact that the present system of county jail discipline is unsatisfactory creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

#### Record of Vote

Senator Corbin asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 290.

#### Conference Committee Report on House Bill 602

Senator Strauss submitted the following Conference Committee Report on H. B. No. 602:

Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B.

No. 602, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

STRAUSS  
ASHLEY  
LATIMER  
KAZEN

On the part of the Senate.

SAYERS  
BAKER  
DEWEY

On the part of the House.

H. B. No. 602:

A BILL  
TO BE ENTITLED

"An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act and further regulate and control alcoholic beverages; providing a saving clause; repealing laws in conflict herewith; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Amend Section 17 (14), Article I, Texas Liquor Control Act, to read as follows:

"(14) (a). It shall be unlawful for any person under the age of twenty-one (21) years to purchase any alcoholic beverage, and upon conviction thereof shall be fined in a sum of not less than Ten Dollars (\$10) or more than One Hundred Dollars (\$100). It shall further be unlawful for any person under the age of twenty-one (21) years to possess, unless such person under the age of twenty-one (21) years be a bona fide employee, as permitted elsewhere in this Act, on the licensed premises where such alcoholic beverage is possessed, or consume any alcoholic beverage in any public place unless at the time of such possession or consumption such person under the age of twenty-one (21) years is accompanied by his or her parent, guardian, adult husband or adult wife, or other adult person into whose custody he or she has been committed for the time by some court, who is actually, visibly and personally present at the time such alcoholic beverage is possessed or consumed by such person under the age of twenty-

one (21) years, and upon conviction thereof shall be fined in a sum of not less than Ten Dollars (\$10) or more than One Hundred Dollars (\$100)."

Section 2. Amend subsection (3) of Section 17 of Article I of the Texas Liquor Control Act by adding a new subparagraph to be lettered (g) and reading as follows:

"(g). Notwithstanding the provisions of the above paragraphs (a) to (f), inclusive, it shall not be unlawful for a Distiller, Winery, Brewer, Rectifier, Wholesaler, Class B Wholesaler, Class A Winery, Class B Winery or Wine Bottler, to furnish without cost to a Retailer recipes, recipe books, book matches, cocktail napkins or other advertising items showing the name of the permittee furnishing such item or the brand name of the product advertised, the individual cost of which does not exceed twenty-five (25c) cents; provided, however, it shall be unlawful for any person who owns or has an interest in the business of a Distiller, Brewer, Rectifier, Wholesaler, Class B Wholesaler, Class A Winery, Class B Winery, Wine Bottler, Package Store, or Wine Only Package Store, or any agent, servant, or employee to allow any excessive discounts on liquor."

Section 3. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the Courts to be unconstitutional, such holding shall not affect the validity of the remaining portion of the Act; and the Legislature hereby declares that it would have passed such remaining portion despite such invalidity.

Section 4. All laws and parts of laws in conflict herewith are hereby expressly repealed, to the extent of such conflict only.

Section 5. The fact that there is need to clarify and strengthen the law on sales of alcoholic beverages to persons under the age of twenty-one (21) years creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Votes

Senators Willis and Rogers of Chil-

dress asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 602.

#### **Election of President Pro Tempore Ad Interim**

The President announced that the time had arrived for the election of the President Pro Tempore Ad Interim.

Senator Ashley nominated the Honorable Neville H. Colson of Grimes County to be President Pro Tempore Ad Interim.

Senators Lock, Moffett, Aikin, Lane, Bracewell, Phillips, Kazen, Kelley, Moore, Corbin, Fly, Secrest, Owen, Parkhouse and Wagon seller seconded the nomination of Senator Colson as President Pro Tempore Ad Interim.

There were no further nominations offered.

The President appointed Senators Aikin and Rogers of Travis as tellers to take up and cast the ballots.

The ballots were taken up and counted and the result was announced as follows:

Senator Colson received 28 votes with 1 present and not voting.

The President declared that the Honorable Neville H. Colson had been duly elected President Pro Tempore Ad Interim for the Fifty-fourth Session of the Legislature and appointed Senators Ashley, Lock and Moffett to escort Senator Colson to the President's rostrum.

Senator Colson was administered the Constitutional Oath of Office as President Pro Tempore Ad Interim by the President and he then presented her to the Senate as the outstanding lady of the State with an enviable legislative record and career behind her and an honor to the Senate and to this State.

Senator Colson addressed the Senate thanking them for the honor bestowed upon her.

#### **Bills and Resolutions Signed**

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 191, Recalling House

Bill No. 888 from the Governor's office for correction.

H. C. R. No. 153, Providing for the appointment of certain members of the House of Representatives and Senate, by the presiding officers thereof, to attend certain councils and committee meetings to improve cooperation between states in interstate affairs.

H. C. R. No. 1, Providing for Sine Die Adjournment on Tuesday, June 7, 1955, at 6:00 o'clock p. m.

H. B. No. 610, A bill to be entitled "An Act ratifying, confirming, and validating the designation of subdivision No. Two of the underground water reservoir in the Ogallala formation North of the Canadian River in Texas, dated August 16, 1954, and of the creation and establishment of ground water conservation District No. 2, North of the Canadian River; providing for the conservation, preservation, protection and recharging and the prevention of waste of underground water within said district; prescribing the powers, functions and limitations of such district, including power to levy taxes and issue bonds; providing the Act shall not be construed to affect any district or bond proceedings or bonds issued or to be issued in which there is pending litigation upon the effective date of the Act; containing a saving clause; and declaring an emergency."

H. B. No. 739, A bill to be entitled "An Act to amend Article 908, Chapter 6 of the Penal Code of Texas, repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act creating a Conservation District under Article XVI, Section 59, of the Constitution of Texas, comprising certain territory contained within Bell County, Texas; etc.; and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to amend Section 186 of the Texas Election Code, Chapter 492, of the Acts of the Regular Session of the 52nd Legislature, 1951, by changing the date for assessment of the costs of holding the general primary election and by changing the date for payment of such assessments, and declaring an emergency."

H. B. No. 632, A bill to be entitled

"An Act enlarging, extending, and re-defining the boundaries of Bell County Water Control and Improvement District No. 1; granting additional power and authority to said District; providing that certain provisions of the general law shall not apply to said district and prescribing certain procedure in regard to bond elections and the cancellation of the authority to issue bonds heretofore voted; validating the creation and organization of said District; providing that this Act shall be cumulative but shall control over the laws in conflict; providing a severability clause; and declaring an emergency."

H. B. No. 971, Creates Ft. Bend County Water Supply District.

H. B. No. 972, Grants Game and Fish Commission regulatory authority over wildlife and fish on Gus Engeling Wildlife Management Area in Anderson County.

#### Bill Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled bill subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas:

H. B. No. 967, A bill to be entitled "An Act making an appropriation of the sum of Four Hundred and Twenty-five Thousand Dollars (\$425,000) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay contingent expenses and to pay the per diem of officers and employees of the 54th Legislature and the mileage and the per diem of Members; etc.; and declaring an emergency."

#### Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,  
June 7, 1955.

To the Members of the Fifty-fourth Legislature.

Complying with the request contained in House Concurrent Resolution No. 193, I am returning herewith House Bill No. 663.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 80, Granting Willis E. Tyler permission to sue the State.

The House has concurred in Senate amendments to House Bill 428 by viva voce vote.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Conference Committee Report on Senate Concurrent Resolution 56

Senator Moore submitted the following Conference Committee Report on S. C. R. No. 56:

Austin, Texas,  
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. C. R. No. 56, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HARDEMAN  
MOORE  
ROGERS of Travis  
STRAUSS  
WAGONSELLER  
On the part of the Senate.  
JOHNSON  
ALLISON  
YANCY  
LEHMAN  
NIEMANN  
On the part of the House.

S. C. R. No. 56, Granting M. H. Reed and W. T. Caswell permission to sue the State of Texas.

Whereas, M. H. Reed and W. T. Caswell of Austin, Travis County, Texas, claim that the State of Texas is indebted to them for monies advanced at the request of the Attorney General of Texas in the trial of State v. Bradford, et al. in Cause No. 45,226

in the 53rd Judicial District Court of Texas, Travis County, Texas; and

Whereas, Said suit was brought by the State to recover lands in Wheeler and Gray and other counties, and it became necessary that the Attorney General of Texas have funds for surveying and other necessary expenses; and

Whereas, At the request and with the consent and agreement of the Attorney General of Texas, the said M. H. Reed and W. T. Caswell did advance and pay a total of \$22,028.82 as costs of court and other expenses to enable the Attorney General of Texas to prosecute said suit, with the understanding and expectation that said suit would be prosecuted to final judgment and that M. H. Reed and W. T. Caswell, their heirs and assigns, would be fully reimbursed therefor; and

Whereas, Subsequent to the filing of said suit, the State of Texas by Legislative Act, passed the commonly known "Small River Bed Bill," General and Special Laws of Texas, 1929, 41st Legislature, which Act confirmed and validated all patents and awards of and to certain lands which the State of Texas by said suit was attempting to recover; and

Whereas, The heirs, devisees, legatees, beneficiaries and assigns of M. H. Reed, deceased, and W. T. Caswell and his assigns desire to institute suit against the State of Texas for the reimbursement of said monies advanced by them, together with interest thereon until paid, for and on behalf of the State of Texas; and

Whereas, The consent to sue the State of Texas herein granted shall not be taken as any admission of liability by the State of Texas; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said M. H. Reed, his heirs, devisees, legatees, beneficiaries and assigns, and W. T. Caswell and his assigns, are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to determine the validity of their claims, and to recover judgment against the State of Texas and for such relief as they or any of them may be entitled to; and, in case suit as hereby permitted is filed, service of citation shall be had upon the Attorney General of the State of Texas, and that such shall have the same force and effect as made and provided

in other civil cases, and that any party shall have the right of appeal.

The report was read and was adopted.

#### Executive Session

On motion of Senator Aikin, and by unanimous consent, the Senate agreed to hold an executive session at 12:55 o'clock p. m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Adjutant General of Texas: Major General K. L. Berry of Austin, Travis County.

To be Members of the State Board of Plumbing Examiners for the six-year terms to expire May 28, 1961: Howard Barr of Austin, Travis County (architect); Charles K. Smith of Houston, Harris County (journeyman plumber).

To be Judge of the Second 38th Judicial District Court (Kerr, Bandera, Kimble, Gillespie Counties) effective 90 days after adjournment: Jim W. Weatherby of Kerrville, Kerr County.

To be District Attorney of the Second 38th Judicial District Court, effective 90 days after adjournment: Marvin Blackburn, Jr., of Junction, Kimble County.

To be District Attorney of the 38th Judicial District (Real, Medina, Uvalde and Zavala Counties) to fill the unexpired term of Jim W. Weatherby, effective 90 days after adjournment: Francis Richter of Hondo, Medina County.

To be District Attorney for the 106th Judicial District (Dawson, Gaines, Garza, Lynn, Terry and Yoakum Counties), to fill the unexpired term of Vernon A. Townes, resigned: Mitchell Williams of Tahoka, Lynn County.

To be Members of the Board of Directors, Nueces River Conservation and Reclamation District, for terms to

expire February 1, 1957: Grady Mahaffey of Uvalde, Uvalde County; Harry Brown of San Antonio, Bexar County; Jon Tyner of Pearsall, Frio County; J. C. Oelkers of Carrizo Springs, Dimmit County; Mike Dillingham of Alice, Jim Wells County; W. G. Luce of Tilden, McMullen County; Blackstone Dilworth of Live Oak County. For terms to expire February 1, 1959: L. J. Dean of Camp Wood, Real County; John M. Bennett, Jr., of San Antonio, Bexar County; Alvin Morris of Crystal City, Zavala County; John H. Stahl of Carrizo Springs, Dimmit County; M. L. Gaddis of Cotulla, La Salle County; C. Arthur Eggleston of Agua Dulce, Nueces County; Charles H. Troell, Jr., of Pleasanton, Atascosa County. For terms to expire February 1, 1961: Claud Gilmer of Rocksprings, Edwards County; A. C. Tutt of Taft, San Patricio County; Ray Keck, Jr., of Cotulla, La Salle County; Frank Jostes of Tynan, Bee County; Henderson Coquat of Three Rivers, Live Oak County; Lon Hill of Corpus Christi, Nueces County; Joe Carper of Uvalde, Uvalde County.

To be a Member of the Good Neighbor Commission to fill the unexpired term of George Strake, resigned, term to expire June 19, 1957: Neville Penrose of Fort Worth, Tarrant County.

To be a Member of the Historical Survey Committee to succeed Dr. Carl Coke Rister, deceased: Mrs. L. E. Dudley of Abilene, Taylor County.

To be Judge of the 136th Judicial District Court (Jefferson County), effective September 1, 1955: Harold Clayton of Port Arthur, Jefferson County.

To be Judge of the 140th Judicial District Court (Lubbock County), effective 90 days after adjournment of the Legislature: Robert H. Bean of Lubbock, Lubbock County.

To be Judge of the 143rd Judicial District Court (Ward, Reeves, Loving Counties), effective 90 days after adjournment: J. H. Starley of Pecos, Reeves County.

To be District Attorney of the 143rd Judicial District, effective 90 days after adjournment: Thomas L. White of Monahans, Ward County.

To be Judge of the 153rd Judicial District Court (Tarrant County), effective 90 days after adjournment:

Harold Craik of Fort Worth, Tarrant County.

### In Legislative Session

The President called the Senate to order as in Legislative Session at 1:20 o'clock p. m. today.

### Recess

On motion of Senator Bracewell, the Senate, at 1:21 o'clock p. m., took recess until 3:00 o'clock p. m. today.

### After Recess

The President Pro Tempore called the Senate to order at 3:00 o'clock p. m.

### Senate Resolution 435 (Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate, Austin, Texas.

Sir: At a caucus held on June 7, 1955, and attended by 29 members of the Senate, the following recommendations were made, to wit:

Be it resolved by the Senate,

That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz.:

The Secretary of the Senate, Mrs. Loyce Bell, shall be retained until June 20, 1955, at a salary of \$450.00 per month, after which time Charles Schnabel shall be retained as Acting Secretary of the Senate during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services he shall receive \$375.00 per month, and in addition thereto, he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Acting Secretary of the Senate and be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$11.00 per day.

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from



the closing of this session and until the convening of the next session and shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the Fifty-fourth Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the Members of the Senate.

The Warrant Clerk shall be retained for a period of 14 days at a salary of \$11.00 per day.

The Calendar Clerk shall be retained for 15 days at a salary of \$12.00 per day.

The Journal Clerk, Mrs. Minnie Meier, shall be retained for a period of 180 days at \$13.00 per day, and Mrs. Olga Schneider, Assistant Journal Clerk, shall be retained for 180 days at \$11.00 per day.

The Sergeant-at-Arms, John Dorman, shall be retained for the ad interim at the same pay he now receives, and two assistants for 15 days at \$10.00 per day. The Lieutenant Governor may employ or retain at \$5.50 per day as many porters as may be necessary and a head porter at \$10.00 per day.

The Enrolling and Engrossing Clerk shall be retained for 15 days at \$17.00 per day, and 4 assistants to assist her shall be retained for 15 days at \$9.00 per day, and one assistant for 30 days at \$12.00 per day.

The private secretary of each Senator may be retained for 7 days at \$12.00 per day to perform such duties as may be required of them.

The Postmistress shall be retained 6 days at \$12.00 per day, after which time the Acting Secretary of the Senate shall attend to all mail of the Senators.

The Mailing Clerk of the Senate shall be retained for 15 days at \$12.00 per day, one assistant for 15 days at \$11.00 per day, one assistant for 15 days at \$9.00 per day, and one assistant for 5 days at \$12.00 per day.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Fifty-fourth Regular Session of the Legislature. He shall also examine

records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Acting Secretary of the Senate may direct and the Custodian to receive the sum of \$9.00 per day.

Resolved, That there shall be printed 325 volumes of the Senate Journal of the Regular Session of the Fifty-fourth Legislature, and when completed, 250 copies shall be bound in buckram and delivered to the Acting Secretary of the Senate and one volume thus bound shall be forwarded by the Acting Secretary of the Senate to each Member of the Senate and House of Representatives, to the Lieutenant Governor, and 75 paper bound copies shall be furnished to the State Library which may be used for exchange with libraries of other States. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Fifty-fourth Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Fifty-fourth Legislature upon warrants signed by the Lieutenant Governor and the Acting Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Acting Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$5.50 per day; and be it further

Resolved, That the Lieutenant Governor and the Chairman of the Senate Committee on Contingent Expense shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and be it further

Resolved, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Contingent Expense, the actual expenses of Members serving on interim committees whose expenses are not otherwise provided for shall be paid from the Contingent Expense Fund.

The Lieutenant Governor is authorized to appoint Mrs. Vance Stockton during the ad interim as an assistant to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$8.00 per day.

The Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate.

The Senate respectfully requests and urges the Board of Control to construct toilet facilities on the third floor behind the Senate Gallery before the next regular session.

Respectfully submitted,

R. A. WEINERT  
Chairman of the Caucus  
A. M. AIKIN, Jr.  
Secretary of the Caucus.

The resolution was read and was unanimously adopted.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 82, Congratulating the City of Temple and the Santa Fe Railroad upon their Diamond Jubilee celebration.

H. C. R. No. 179, Granting Jake Ward permission to sue the State of Texas.

The House has adopted the Conference Committee Report on House Bill 341 by a viva voce vote.

The House has adopted the Conference Committee Report on S. C. R. No. 56 by a viva voce vote.

S. C. R. No. 78, Commissioning governing boards of the State-supported institutions of higher education.

The House has concurred in Senate amendments to H. J. R. No. 11 by vote of 119 ayes, 7 noes.

The House has concurred in Senate amendments to House Bill No. 630 by viva voce vote.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Senate Bill 435 with House Amendments

Senator Strauss called S. B. No. 435 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Strauss moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moore
Corbin	Moffett
Fly	Owen
Fuller	Parkhouse
Hazlewood	Phillips
Kazen	Ratliff
Kelley	Rogers
Lane	of Childress
Latimer	Rogers of Travis

Secrest	Wagonseller
Shireman	Weinert
Strauss	Willis

Absent

Hardeman

Absent—Excused

Roberts

**Senate Concurrent Resolution 85**

Senator Kelley offered the following resolution:

S. C. R. No. 85, Expressing appreciation to Mr. Walter E. Long and the staff of The Texas Legislative Service.

Whereas, For over thirty years, by request of Texas citizens, the Texas Legislative Service has been supervised by Mr. Walter E. Long, a distinguished citizen of Austin, who has been outstanding in his consideration for and determination to be helpful to the members of the Texas Legislature; and

Whereas, The House Correspondent, Mr. Finley Henderson, and the Senate Correspondent, Mr. Russell Fish, both of whom have served in this capacity for many years, have been of unlimited assistance to the members of both Houses of the Legislature throughout this 54th Regular Session; and

Whereas, During this, the Regular Session of the 54th Legislature, the Texas Legislative Service has presented to each Member several copies of the roster of the members of the Texas Legislature, including photographs of the members, districts and counties represented, desk numbers, and the seating arrangement of the members; and

Whereas, In addition to the gift of these rosters, the Texas Legislative Service has placed on the desk of each member each morning a copy of its daily report, giving in a condensed form a resume of the activities in each House for the previous day, including a brief summary of each bill introduced, committee reports, bills passed, and other actions in the House and Senate; and

Whereas, These daily reports and the roster have been of great value and benefit to the members and have been furnished at no cost to the Members; and

Whereas, We appreciate this kind treatment and consideration at the hands of the Texas Legislative Service, and Mr. Long and his associates; now, therefore, be it

Resolved, By the Members of the 54th Legislature, that this be our expression, to Mr. Walter E. Long and to all the staff of the Texas Legislative Service, of our sincere gratitude and thanks for this worth-while service during the Regular Session of the 54th Legislature.

**HARDEMAN  
KELLEY**

The resolution was read.

On motion of Senator Kelley and by unanimous consent the resolution was considered immediately and was adopted.

**Conference Committee Report on Senate Bill 322**

Senator Martin submitted the following Conference Committee Report on S. B. No. 322:

Austin, Texas,  
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 322, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

**MARTIN  
LOCK  
AIKIN**

On the part of the Senate.

**SMITH of Hays  
SEELIGSON  
SAYERS  
BRADSHAW  
OSBORN**

On the part of the House.

S. B. No. 322:

**A BILL  
TO BE ENTITLED**

"An Act providing for tender of payment of an amount equal to one per cent (1%) of each bid on mineral lease and land sales as a special sale fee; providing that such special payments on high bids only be deposited to a special fund and checks of unsuccessful bidders returned; appropriating the monies received to the General Land Office; providing that failure to remit the special fee shall not render a bid void; providing for demand of payment of such fee; pro-

viding a penalty for failure or refusal to make such payment; declaring an emergency and fixing an effective date."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. After September 1, 1955, on all mineral lease and land sales held by the School Land Board as created by Section 5, Chapter 3, Acts of the 46th Legislature, 1939, and on all mineral lease sales held by the Boards for Lease created by Chapter 325, Acts of the 52nd Legislature, 1951, each bidder shall be required to remit by separate check an amount equal to one per cent (1%) of each bid payable to the Commissioner of the General Land Office as a special sale fee, and the special payments on only the high bids accepted by the Boards shall be deposited by the Commissioner in the State Treasury as a special fund.

It is further provided, however, that failure to remit the special fee shall not, of itself, render a bid void; but the Commissioner shall demand payment thereof before issuing a lease to the successful bidder; provided further that if the successful bidder should fail or refuse to make such payment within thirty (30) days from and after demand by the Commissioner, he shall not be entitled to a lease upon the tract covered by his bid and the cash bonus shall be automatically forfeited to the State and the Commissioner shall deposit same in the State Treasury to the credit of the Permanent Free School Fund or the appropriate Special Mineral Fund as the case may be. All such checks submitted by unsuccessful bidders shall be returned to such bidders with their bid checks.

Section 2. Monies deposited in the special fund provided in Section 1 of this Act, or so much thereof as may be necessary, are hereby appropriated to the General Land Office for the payment of travel expenses, fees for professional services, office supplies and expenses, equipment, subject to the applicable provisions of H. B. 140, 54th Legislature, 1955; for the payment of salaries and wages of such additional personnel as may be required; and for the payment of salary increases, provided that such salary increases paid from the funds appropriated in this Act shall be limited to positions for which salary rates of less than \$10,000 per annum are speci-

fied in said H. B. No. 140, and that the amount of such salary increases shall never exceed \$600 per annum.

It is further provided that additional positions established, and any salary increases granted, pursuant to the provisions of this Act shall be reported in writing to the Legislative Budget Board prior to the effective date of such additional positions and salary increases.

Section 3. The fact that there is urgent need for additional revenue for the operation of the General Land Office creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and such rule is hereby suspended and this Act shall take effect and be in force from and after September 1, 1955, and it is so enacted.

The report was read and was adopted.

**Bill and Resolutions Signed**

The President Pro Tempore announced the signing by the President in the presence of the Senate, after the captions had been read, of the following enrolled bill and resolutions:

S. C. R. No. 81, Granting Phillips Petroleum Company permission to sue State of Texas.

S. C. R. No. 80, Granting Willis E. Tyler or his estate permission to sue the State of Texas.

S. B. No. 430, A bill to be entitled "An Act amending Article 653, R. C. S., 1925, providing that purchases and contracts awarded by the Board of Control for every State agency of any kind or character, shall be of the kind and type as requisitioned; providing that the specifications and conditions in such requisitions shall be subject to approval by the Board of Control; providing that any receiving agency of the State receiving items, supplies, equipment, or services shall inspect the same and if, in the opinion of the receiving agency, any of the items, supplies, equipment, or services do not meet specifications, such receiving agency is to notify the Board of Control in writing, setting forth reasons and particulars wherein specifications are not met; providing that the duty and power to determine whether such items, supplies, equipment, or services

comply with specifications shall rest with the Board of Control; and declaring an emergency."

S. C. R. No. 84, Granting Watkins Orr, et al., permission to sue the State of Texas.

**Conference Committee Report on  
Senate Bill 379**

Senator Secrest submitted the following Conference Committee report on S. B. No. 379:

Austin, Texas,  
June 3, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 379, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

SECREST  
ROGERS of Childress  
AIKIN  
LATIMER  
ASHLEY

On the part of the Senate.

de la GARZA  
MURPHY  
KELLY  
GLASS  
LATIMER

On the part of the House.

S. B. No. 379:

**A BILL**

**TO BE ENTITLED**

"An Act amending Section 57 of House Bill 407, Chapter 4, Acts of the 46th Legislature, as amended by Chapter 272, Acts of the 48th Legislature, Regular Session, 1943, as amended by Chapter 368, Acts of the 52nd Legislature, Regular Session, 1951, so as to increase the fees for the issuance of Certificates of Title, providing for the collection and disposition of such fees, providing for additional compensation of county tax assessor-collectors for their services in administering the Certificate of Title Act; making an appropriation of the fees allocated to the State Highway Department; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. That Section 57 of House Bill 407, Chapter 4, Acts of the 46th Legislature, as amended by Chapter 272, Acts of the 48th Legislature, Regular Session, 1943, as amended by Chapter 368, Acts of the 52nd Legislature, Regular Session, 1951, is amended so as to read as follows:

"Sec. 57. Each applicant for a Certificate of Title or reissuance thereof shall pay to the designated agent (county tax assessor-collector) the sum of seventy-five cents (75¢), of which the first twenty-five cents (25¢) shall be accounted for by the county tax assessor-collector and disposed of in one of the two methods hereinafter provided, depending upon whether the county tax assessor-collector is compensated on a fee or a salary basis; and the remaining fifty cents (50¢) shall be forwarded to the State Highway Department for deposit in the State Highway Fund, together with the application for a Certificate of Title, within twenty-four hours after the same has been received by the county tax assessor-collector, from which fees the State Highway Department shall be entitled and shall use sufficient money to pay all expenses necessary to efficiently administer and perform the duties set forth herein; there is hereby appropriated to the State Highway Department all of such fees for salaries, traveling expenses, stationery, postage, contingent expenses, and all other expenses necessary to administer this Act for a period of two years from the effective date of this Act; provided further that in counties where the tax assessor-collector is compensated on a fee basis, he shall be entitled to retain five cents (5¢) out of each twenty-five cents (25¢) that he collects for the county as supplemental compensation for administering the Certificate of Title Act so long as the amount retained does not exceed Two Hundred Forty Dollars (\$240) per year and any sum collected in excess of this amount, together with the remaining Twenty Cents (20¢) collected for the county, shall be turned over to the county treasurer for deposit in the county general fund.

"In counties in which the county tax assessor-collector is compensated on a salary basis, he shall turn the twenty-five cents (25¢) over to the county treasurer for deposit in the officers' salary fund; provided further that in counties where the county tax assessor-collector is compensated on a

salary basis the commissioners' court shall fix and allow as additional or supplemental salary for the duties required of him under this Act not less than the minimum nor more than the maximum provided for in the scale which follows:

"In counties of less than twenty thousand inhabitants, not less than Ten Dollars (\$10) nor more than Twenty Dollars (\$20) per month; in counties having a population of not less than twenty thousand nor more than forty thousand inhabitants, not less than Twenty Dollars (\$20) nor more than Thirty Dollars (\$30) per month; in counties having a population of not less than forty thousand and one, and not more than sixty thousand inhabitants, not less than Thirty Dollars (\$30) nor more than Fifty Dollars (\$50) per month; in counties having a population of not less than sixty thousand and one inhabitants and not more than one hundred thousand inhabitants, not less than Fifty Dollars (\$50) nor more than Seventy-five Dollars (\$75) per month; in counties having a population of not less than one hundred thousand and one inhabitants and not more than one hundred sixty-five thousand, not less than Seventy-five Dollars (\$75) nor more than One Hundred (\$100) per month; in counties having a population of not less than one hundred sixty-five thousand and one inhabitants and not more than two hundred thousand, not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200) per month; in counties having a population of two hundred thousand and one inhabitants or more, not less than Two Hundred Dollars (\$200) nor more than Two Hundred Fifty Dollars (\$250) per month.

"The added or supplemental salaries for administering the Certificate of Title Act in counties where the county tax assessor-collectors are compensated on a salary basis shall be paid out of the officers' salary fund of the respective counties. The last preceding Federal census shall govern as to population in all cases under the provisions of this Act."

Sec. 2. It is the intention of the Legislature that the compensation provided for tax assessor-collectors by this Act shall be in addition to their regular compensation regardless of whether they are compensated on a fee or salary basis.

Sec. 3. The fact that the 52nd Legislature in 1951 sought to provide addi-

tional compensation for county tax assessor-collectors for their services in administering the Certificate of Title Act and the fact that the present law has been held invalid, resulting in confusion in the administration thereof and imposing many hardships on county tax assessor-collectors, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—22

Aikin	McDonald
Bracewell	Moffett
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis

Nays—1

Martin

Absent

Ashley	Owen
Fuller	Rogers
Hardeman	of Childress
Moore	Weinert

Absent—Excused

Roberts

Senate Bill 316 with House Amendments

Senator Shireman called S. B. No. 316 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Shireman moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Concurrent Resolution 86

Senator Aikin offered the following resolution:

S. C. R. No. 86, Providing for por-

trait of Governor Shivers to be placed in the Rotunda of Capitol.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That a suitable portrait of Governor Allan Shivers be placed in the rotunda of the Capitol with the portraits of the other Governors of Texas. The portrait and the charge of such portrait, may be made by an artist agreeable to Governor Shivers and the Lieutenant Governor and the Chairman of the Contingent Expense Committee of the Senate and the Speaker of the House and the Chairman of the Contingent Expense Committee of the House of Representatives. Before such portrait is accepted and placed by the Board of Control, such portrait shall be approved by the Lieutenant Governor and the Chairman of the Contingent Expense Committee of the Senate and the Speaker of the House and the Chairman of the Committee on Contingent Expense in the House of Representatives.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately, and was adopted.

(President in the Chair.)

#### House Concurrent Resolution 194 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 194, Suspending the Joint Rules to consider H. B. No. 711 at any time.

The resolution was read second time and was adopted.

#### Conference Committee Report on House Bill 53

Senator Strauss offered the following as a report of the Conference Committee on H. B. No. 53:

Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B.

No. 53, have met and had same under consideration, and beg to report it back with the recommendation that it do pass as amended by the Senate with amendments as attached hereto.

STRAUSS  
PARKHOUSE  
WAGONSELLER  
ROGERS of Travis

On the part of the Senate.

GILLHAM  
MURPHY  
SAYERS

On the part of the House.

Amend line 7 on page 1 of the caption by striking out the words "new and used" and inserting in lieu thereof the words "certain types of"

Amend subsection (b) of Section 2 to read as follows:

"(b) The term 'first sale' shall be the same as defined in the Certificate of Title Act of this State."

Delete subsection (c) and reletter subsections (d), (e), and (f) respectively.

Amend Section 3 to read as follows:

"Sec. 3. (1) On and after September 15, 1955, no person shall carry on or be engaged in this State in the business of buying, selling or in any manner dealing in cars or of operating a place of business for such purpose unless he is then the holder and owner of a license, procured and issued under the provisions of this Act, specifying on its face the type or types, i.e., whether cars which theretofore have been the subject of first sales or cars in which the holder thereof is permitted so to deal and the place of business which he is permitted to operate for such purpose, and displayed in a conspicuous place at all times at each such licensed place of business.

Amend lines 5-9 on page 2 to read as follows:

(a) Class A License, which shall entitle the holder and owner thereof to engage in the business of buying, selling and dealing in cars which theretofore have and also those which theretofore have not been the subjects of first sales.

(b) Class B License, which shall entitle the holder and owner thereof to engage in the business of buying, selling and dealing in cars which theretofore have been the subjects of first sales.

On page 2, lines 22 and 23, change the phrase "New and Used Car Dealer License" to "Class A License" and

change the phrase "Used Car Dealer License" to "Class B License."

Amend lines 49-51 on page 2 to read as follows:

"... improvements thereon and, if application is for a Class A License, a statement of the name of the car manufacturer or distributor with which the applicant is then a party to a selling agreement."

Amend lines 3-6 on page 7 to read as follows:

(a) Thirty-five Dollars (\$35) for each Class A License and each renewal thereof.

(b) Twenty-five Dollars (\$25) for each Class B License and each renewal thereof.

Amend Section 6 by adding a new subsection (4) to read as follows:

to sell, or offer to sell, as a "new car" without delivering to the purchaser an affidavit stating whether or not such car has been used in any manner.

The report was read.

Senator Rogers of Travis moved the previous question on the adoption of the Conference Committee Report on H. B. No. 53 and the motion was duly seconded.

Question—Shall the previous question now be put?

The previous question failed to be ordered by the following vote:

#### Yeas—7

Colson	Moore
Hazlewood	Rogers of Travis
Lock	Strauss
Moffett	

#### Nays—16

Aikin	Parkhouse
Bracewell	Phillips
Corbin	Rogers
Fly	of Childress
Kazen	Secrest
Kelley	Shireman
Martin	Wagonseller
McDonald	Willis
Owen	

#### Absent

Ashley	Latimer
Fuller	Ratliff
Hardeman	Weinert
Lane	

#### Absent—Excused

Roberts

On motion of Senator Strauss and by unanimous consent the Conference

Committee Report on H. B. No. 53 was withdrawn.

#### House Bill 711 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 711, A bill to be entitled "An Act making an emergency appropriation to the State Department of Agriculture for the remainder of the fiscal year ending August 31, 1955, etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 711 on Third Reading

Senator Moffett moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill 711 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Phillips
Fly	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

#### Nays—1

Parkhouse

#### Absent

Ashley	Ratliff
Fuller	Shireman
Hardeman	Weinert
McDonald	

#### Absent—Excused

Roberts

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—21

Aikin	Colson
Bracewell	Corbin



Fly	Parkhouse
Kazen	Phillips
Kelley	Rogers
Lane	of Childress
Latimer	Rogers of Travis
Lock	Secrest
Martin	Strauss
Moffett	Wagonseller
Moore	Willis

Absent

Ashley	Owen
Fuller	Ratliff
Hardeman	Shireman
Hazlewood	Weinert
McDonald	

Absent—Excused

Roberts

(Senator Aikin in the Chair.)

## Senate Resolution 59

On motion of Senator Bracewell and by unanimous consent, the Presiding Officer laid before the Senate the following Committee Substitute for S. R. No. 59:

Be It Resolved, By the Senate of the State of Texas that Rule 77 of the Rules of the Senate be changed to hereafter read as follows:

77. The following standing committees shall be appointed:

- (1) A Committee on Agriculture and Livestock.
- (2) A Committee on Claims.
- (3) A Committee on Constitutional Amendments.
- (4) A Committee on Counties, Cities and Towns.
- (5) A Committee on Education.
- (6) A Committee on Finance.
- (7) A Committee on Game and Fish.
- (8) A Committee on Insurance.
- (9) A Committee on Jurisprudence.
- (10) A Committee on Legislative, Congressional and Judicial Districts.
- (11) A Committee on Nominations.
- (12) A Committee on Oil and Gas.
- (13) A Committee on Privileges and Elections.
- (14) A Committee on Public Health.
- (15) A Committee on Rules and Contingent Expenses.
- (16) A Committee on State Affairs.
- (17) A Committee on Transportation.
- (18) A Committee on Water and Conservation.

The Committee substitute was read.

Senator Bracewell offered the following amendment to the resolution:

Amend Committee Substitute for Resolution 59 by adding thereto the following in their proper alphabetical sequence and renumbering the Committees accordingly:

"A Committee on Interstate Cooperation"

"A Committee on Labor and Management Relations"

"A Committee on Military and Veterans Affairs"

"A Committee on State Departments and Institutions"

"A Committee on Banking"

The amendment was adopted.

Senator Bracewell offered the following amendment to the resolution:

Amend Committee Substitute for Senate Resolution 59 by striking therefrom the following:

"(15) A Committee on Rules and Contingent Expenses," and substituting therefor in their proper alphabetical and numerical sequence the following:

"A Committee on Rules"

"A Committee on Contingent Expenses."

The amendment was adopted.

The resolution as amended was then adopted by the following vote:

Yeas—21

Aikin	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Parkhouse
Fly	Phillips
Hazlewood	Secrest
Kazen	Shireman
Kelley	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Nays—1

Rogers  
of Childress

Absent

Ashley	Owen
Fuller	Ratliff
Hardeman	Rogers of Travis
Lane	Weinert

Absent—Excused

Roberts

### House Concurrent Resolution 195 on Second Reading

On motion of Senator Lock and by unanimous consent, the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 195, Commending Allan Shivers, Governor of the State of Texas.

The resolution was read the second time and was adopted.

(President in the Chair.)

### Senate Resolution 438

Senator Hazlewood offered the following resolution:

Be It Resolved, By the Senate, That the Rules of the senate of the 54th Legislature of the State of Texas be amended as follows:

Section 1. Amend Section 13 as follows:

"Order of Considering Bills and Resolutions

"13. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) Special orders.
- (2) Unfinished business.
- (3) Senate Joint Resolutions.
- (4) Senate Resolutions.
- (5) Senate Concurrent Resolutions.
- (6) Senate Bills on third reading.
- (7) Senate Bills on second reading.
- (8) House Joint Resolutions.
- (9) House Bills on third reading.
- (10) House Bills on second reading.
- (11) House Concurrent Resolutions.

"The above order of business shall constitute the Senate Calendar, and is for Senate Bill days, except as hereinafter modified by the joint rules, and such order of business shall not be suspended except with the consent of at least four-fifths (4/5ths) of the members present, except in matters contained in special and emergency messages of the Governor which may be laid out at any time by the presiding officer. It shall be the duty of the presiding officer to follow such order of business as provided by the Senate Calendar.

"13A. When a matter of business is duly reached on the Calendar and the sponsor thereof is not present, or is not ready to proceed immediately with the disposition thereof, such matter of business shall be placed at the

end of the next printed calendar unless such sponsor has been duly excused by the Senate from attendance of duty on account of sickness, or for some other good and sufficient cause. However, for good cause shown, such business may hold its position on the calendar with the consent of as many as two-thirds (2/3rds) of the members present. This rule shall not apply to bills purely local in nature, nor to bills and resolutions placed upon the local and uncontested calendar."

Section 2. That Section (5) of Rule 71 be amended to read as follows:

"(5) To suspend, rescind or amend any rule of the Senate, with the exception of Rules 13, 13A and 15."

Section 3. That Rule 15 be amended to read as follows:

"15. Any bill, resolution or other measure may on any day be made a special order for a future time of the session by an affirmative vote of two-thirds (2/3rds) of the members present, provided such future time shall not be sooner than twenty-four (24) hours from the passage of such motion."

The resolution was read.

Senator Hazlewood asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Hazlewood then moved to consider the resolution immediately.

The motion prevailed by the following vote:

### Yeas—15

Aikin	Phillips
Bracewell	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Lock	Secrest
Martin	Shireman
McDonald	Strauss
Moore	Wagonseller

### Nays—8

Corbin	Moffett
Fly	Owen
Kelley	Parkhouse
Latimer	Willis

### Absent

Ashley	Lane
Colson	Ratliff
Fuller	Weinert
Hardeman	

### Absent—Excused

Roberts

The President laid the resolution before the Senate for consideration at this time.

Pending discussion of the resolution, on motion of Senator Hazlewood and by unanimous consent, the resolution was Laid on the Table.

#### Senate Concurrent Resolution 87

Senator Phillips offered the following resolution:

S. C. R. No. 87, Suspending Joint Rules to consider H. B. 907 at any time.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Joint Rules be and the same are hereby suspended so that either House may consider H. B. 907 at any time.

The resolution was read.

On motion of Senator Phillips, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 88

Senator Secrest offered the following resolution:

S. C. R. No. 88, Suspending Joint Rules to consider H. C. R. No. 177 at any time.

Be it resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the two Houses be, and the same are hereby, suspended so that the Senate may take up and consider and vote on H. C. R. No. 177 at any time.

The resolution was read.

On motion of Senator Secrest, and by unanimous consent, the resolution was considered immediately, and was adopted.

#### Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills and resolution:

H. B. No. 663, A bill to be entitled "An Act relating to the regulation of the wildlife resources of certain counties of the State; amending Sections 1, 8, and 14 of Chapter 125, Acts of the Fifty-second Legislature, 1951, by adding Bell, Bosque, Coryell, Hill, Johnson, McLennan, Red River, Titus,

Fannin, Somervell, Milam, Montague, Clay and Bowie Counties to the list of counties subject to its provisions, by changing the number of members of the Game and Fish Commission constituting a quorum for the adoption of orders, rules and regulations thereunder, and by changing the provisions for forfeiture of licenses to conform to Article 893 of the Penal Code of Texas, 1925, as amended; providing for public hearing in each county before any proposed rule or regulation is adopted by the Commission; repealing certain laws; providing for the operative date of this Act; providing for severability; and declaring an emergency."

H. B. No. 20, A bill to be entitled "An Act to create Trinity River Authority of Texas, as a conservation and reclamation district under Article XVI, Section 59 of the Constitution; providing for the Governing Body thereof; prescribing the area to be included therein; prescribing the purposes and powers of said Authority providing for the incurring of debt; providing for the voting of an ad valorem tax; providing for the securing of bonds by tax levies or by revenues of the Authority or by both; making provisions with reference to other districts within the Authority and certain districts and companies which have water rights on the Trinity River; authorizing the governing body of the district to make rules and regulations and prescribe penalties for the violation thereof; containing a severability clause; enacting other provisions related to the subject and declaring an emergency."

H. C. R. No. 160, Permitting the presiding officers of the Houses to have their signatures removed from the enrolled copy of H. B. No. 632 and instructing the Enrolling Clerk of the House to correct Section 2(c) of said bill.

#### Senate Resolution 439

Senator Bracewell offered the following resolution:

Be it resolved by the Senate of the State of Texas, That Rule 55 of the Rules of the Senate be repealed and that all subsequent rules be renumbered accordingly.

The resolution was read.

On motion of Senator Bracewell, and by unanimous consent, the reso-

lution was considered immediately and was adopted by the following vote:

## Yeas—21

Aikin	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Rogers
Kazen	of Childress
Kelley	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis

## Absent

Ashley	Latimer
Fuller	Ratliff
Hardeman	Rogers of Travis
Hazlewood	Weinert
Lane	

## Absent—Excused

Roberts

**Conference Committee on  
Senate Joint Resolution 1**

Senator Shireman called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the difference between the two Houses on S. J. R. No. 1 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Shireman, Fly, Bracewell, Phillips and Kazen.

(President Pro Tempore in the Chair.)

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
June 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 88, Suspending Joint Rules to consider H. C. R. No. 177.

S. C. R. No. 85, Commending Mr. Walter E. Long and Texas Legislative Service.

S. C. R. No. 86, Providing for portrait of Governor Allan Shivers.

S. C. R. No. 87, Suspending Joint Rules to consider H. B. No. 907.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

**Conference Committee Report on  
Senate Bill 309**

Senator Willis submitted the following Conference Committee Report on S. B. No. 309:

Austin, Texas,  
June 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 309, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

WILLIS  
CORBIN  
WAGONSELLER  
ROGERS of Childress  
MOORE

On the part of the Senate.

SMITH of Tarrant  
SAYERS  
KENNARD  
PYLE  
McDONALD

On the Part of the House.

S. B. No. 309:

**A BILL  
TO BE ENTITLED**

"An Act relating to juvenile boards and juvenile officers in certain counties of the State; amending Sections 1 and 15 of Chapter 46, Acts of the 45th Legislature, Regular Session, 1937, as amended (codified under Article 5142b in Vernon's Texas Civil Statutes), designating the counties to which the Act applies and providing for additional compensation of members of the juvenile board; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Section 1 of Chapter 46, Acts of the 45th Legislature, Regular Session, 1937, as amended by Section

1 of Chapter 409, Acts of the 50th Legislature, 1947, as amended by Section 1 of Chapter 66, Acts of the 51st Legislature, Regular Session, 1949, and as amended by Section 1 of Chapter 339, Acts of the 51st Legislature, Regular Session, 1949, which is codified as Section 1 of Article 5142b in Vernon's Texas Civil Statutes, is hereby amended to read as follows:

"Section 1. The provisions of this Act shall apply to all counties of the State of Texas having a population of not less than two hundred twenty-five thousand (225,000) inhabitants, nor more than three hundred ninety thousand (390,000) inhabitants according to the last preceding or any future Federal Census, general or special."

Sec. 2. Section 15 of Chapter 46, Acts of the 45th Legislature, Regular Session, 1937, as amended by Section 2 of Chapter 66, Acts of the 51st Legislature, Regular Session, 1949, which is codified as Section 15 of Article 5142b in Vernon's Texas Civil Statutes, is hereby amended to read as follows:

"Section 15. The Judges of the several District and Criminal District Courts who are members of the Juvenile Board in such counties, on account of the additional duties imposed on them, are hereby allowed an additional compensation of Four Hundred Twenty-five Dollars (\$425.00) per month; and the County Judge in such counties, on account of the additional duties imposed on him, is hereby allowed an additional compensation of One Hundred Seventy-five Dollars (\$175.00) per month. The compensation herein provided for is to be paid by the Commissioners Court in such counties and is to be in addition to all other compensation now allowed by law to such officers. Provided, however, that in counties coming under the provisions of this Act, the members of the Juvenile Board shall not receive any compensation under or by virtue of Acts of 1917, 35th Legislature, Chapter 16, page 27 (Article 5139), as amended."

Sec. 3. The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

#### Senate Resolution 442

Senator Moffett offered the following resolution:

Whereas, Judge James W. McClendon has for some time been ill and confined in an Austin hospital and is now recovering from said illness; and

Whereas, Judge McClendon served for many years with great distinction upon the Third Court of Civil Appeals in Austin, and voluntarily retired from service in that capacity in October, 1939; and

Whereas, Judge McClendon has been a member of the Texas Bar for more than fifty years; and

Whereas, Judge McClendon has been active in civic and fraternal affairs over a long span of time, and has served with great distinction in his profession and as a member of his community; now, therefore, be it

Resolved, By the Senate of the Fifty-fourth Legislature of Texas, that the Senate extend to Judge McClendon its best wishes for a speedy recovery, and that the Secretary of the Senate be directed to forward a copy of this resolution to him.

MOFFETT

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Harde-  
man, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moore, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Aikin the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Resolution 443

Senator Bracewell offered the following resolution:

Whereas, Jimmy Phillips, Jr., son of the Honorable Jimmy Phillips, the senator from Brazoria, has recently won the Championship of the Seventh Grade Declamation Contest in the Austin Public Schools; and

Whereas, Jimmy Phillips, Jr., is a

former mascot of this Senate and is known and loved by all the Members; and

Whereas, This is a signal honor for this young man worthy of recognition by the Senate; now, therefore, be it

Resolved, That the Senate of the State of Texas extend its sincere congratulations to Jimmy Phillips, Jr., for this achievement and that he be invited to favor the Senate with a recital of his prize-winning declamation.

Signed—Bracewell, McDonald, Latimer, Moffett, Kelley, Colson, Ashley, Kazen, Lock, Aikin, Strauss, Fuller, Weinert, Hazlewood, Secrest, Rogers of Childress, Ratliff, Roberts, Fly, Wagonseller, Owen, Rogers of Travis, Hardeman, Parkhouse, Shireman, Martin, Willis, Moore, Corbin, Lane, and Ramsey.

The resolution was read and was unanimously adopted.

#### Conference Committee Report on Senate Bill 286

Senator Lock submitted the following Conference Committee Report on S. B. No. 286:

Austin, Texas,  
June 1, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 286, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

LOCK  
PARKHOUSE  
BRACEWELL  
FLY

On the part of the Senate.

BURKETT  
BERLIN  
McDONALD  
SMITH of Hays  
CHEATHAM

On the part of the House.

S. B. No. 286:

#### A BILL TO BE ENTITLED

"An Act to amend the subject matter embraced in Section 3, Section 4, and Section 5 of the Texas Unemployment Compensation Act, as amended (Sen-

ate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended), providing for the payment of benefits; providing benefit eligibility conditions; providing disqualification for benefits; providing for an effective date of this Act and its sections; providing for the repeal of all laws and parts of laws in conflict herewith; providing for the separability of provisions; and declaring an emergency."

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That subsection (b) of Section 3 of the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended), be amended so as to read, effective October 1, 1955, as follows:

#### "BENEFITS

##### "Section 3.

"(b) Benefit amount for total unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-sixth (1/26) of his wages received from employment by employers during that quarter in his base period in which such wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar (\$1), it shall be adjusted to the next higher multiple of One Dollar (\$1), and

"(2) Such rate shall not be more than Twenty-eight Dollars (\$28) per benefit period nor less than Seven Dollars (\$7) per benefit period."

Section 2. That Section 4 of the Texas Unemployment Compensation Act, as amended, be amended so as to read, effective October 1, 1955, as follows:

#### "BENEFIT ELIGIBILITY CONDITIONS

"Section 4. An unemployed individual shall be eligible to receive benefits with respect to any benefit period only if the Commission finds that:

"(a) He has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulations as the Commission may prescribe;

"(b) He has made a claim for benefits in accordance with the provisions of subsection 6 (a) of this Act;

- "(c) He is able to work;
- "(d) He is available for work;
- "(e) He has:

"(1) Within his base period received wages for employment by employers in an amount equal to not less than Two Hundred Fifty Dollars (\$250) in one quarter and not less than One Hundred Twenty-five Dollars (\$125) in some other quarter of his base period; or

"(2) Within at least one quarter of his base period received wages for employment by employers in an amount equal to or exceeding One Thousand Dollars (\$1,000); or

"(3) Within his base period received wages for employment by employers in an amount equal to or exceeding Four Hundred Fifty Dollars (\$450), provided that he has received wages equal to or in excess of Fifty Dollars (\$50) in each of three (3) or more of the quarters in his base period."

Section 3. That subsection (c) and subsection (d) of Section 5 of the Texas Unemployment Compensation Act, as amended, be amended so as to read, effective October 1, 1955, as follows:

#### "DISQUALIFICATION FOR BENEFITS

"Section 5. An individual shall be disqualified for benefits:

"(c) If the Commission finds that during his current benefit year he has failed, without good cause, either to apply for available, suitable work when so directed by the Commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Commission. Such disqualification shall be for not less than one (1) nor more than twelve (12) benefit periods following the failure, as described above, to apply for or accept suitable work, the degree of disqualification to be determined by the Commission according to the circumstances in each case.

"(1) In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals at the place of performance of his work, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

"(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) If the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

"(d) For any benefit period with respect to which the Commission finds that his total or partial unemployment is (i) due to the claimant's stoppage of work because of a labor dispute at the factory, establishment or other premises (including a vessel) at which he is or was last employed, or (ii) because of a labor dispute at another place either within or without this State, which is owned or operated by the same employing unit which owns or operates the premises at which he is or was last employed, and supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that:

"(1) He is not participating in or financing or directly interested in the labor dispute, provided, however, that failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept and perform his available and customary work at the factory, establishment, or other premises (including a vessel) where he is or was last employed shall be considered as participation and interest in the labor dispute; and

"(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises (including a vessel) at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in sep-

arate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises; and where a disqualification arises from the employee's failure to meet the requirements of this paragraph (2) of this subsection (d) his disqualification shall cease if he shall show that he is not, and at the time of the labor dispute was not, a member of a labor organization which is the same as, represented by, or directly affiliated with, or that he, or such organization of which he is a member, if any, is not acting in concert or in sympathy with, a labor organization involved in the labor dispute at the premises at which the labor dispute occurred, and he has made an unconditional offer to return to work at the premises at which he is or was last employed."

Section 4. All laws or parts of laws in conflict herewith, in so far as they do conflict herewith, are hereby repealed, but such repeal shall in no way be construed as forfeiting or waiving any rights of the State of Texas or of the Texas Employment Commission which have accrued thereunder, including, without limiting or without being limited thereto, the right to collect contributions, interest or penalties that have accrued, and the right of prosecution for violation of any provision thereof; nor shall such repeal in any way be construed as forfeiting or waiving the rights of any individual to benefits which accrued prior to October 1, 1955; provided that if any individual had filed an initial claim prior to October 1, 1955, the benefit amount and the maximum potential duration of such benefits shall be in accordance with the law in effect at the time such claim was filed.

Section 5. If any phrase, sentence, paragraph or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other sentence, paragraph, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining phrases, sentences, paragraphs and sections despite such invalidity.

Section 6. The fact that the maximum weekly benefit amount presently provided in the Texas Unemployment Compensation Act is not adequate in relation to current average weekly wages earned by Texas workers and

that there has been no recent adjustment of benefits to meet increased weekly earning rates and higher living costs; the fact that the Act requires clarification as to its meaning and intent with respect to benefits, benefit eligibility conditions and disqualification for benefits, and the fact that such situations require amendments to the Texas Unemployment Compensation Act, create an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in full force and effect from and after the date of its passage, and it is so enacted.

The report was read and was adopted.

(Senator Kazen in the Chair.)

#### House Concurrent Resolution 177 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 177, Granting Morris Lang et al. permission to sue the State of Texas.

The resolution was read second time and was adopted.

#### Committee on Senate Resolution 430

The Presiding Officer announced the appointment by the President of the following committee pursuant to the provisions of S. R. No. 430: Senators Hardeman, Aikin and Lane.

#### Bills and Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate, after the captions had been read, of the following enrolled bills and resolutions:

S. C. R. No. 56, Granting M. H. Reed and W. T. Caswell of Austin, Travis County, Texas, permission to sue the State.

S. B. No. 379, A bill to be entitled "An Act amending Section 57 of House Bill 407, Chapter 4, Acts of the 46th Legislature, as amended by Chapter 272, Acts of the 48th Legislature, Regular Session, 1943, as amended by Chapter 368, Acts of the 52nd Legislature, Regular Session,



1951, so as to prescribe the fees for the issuance of Certificates of Title, providing for the collection and disposition of such fees, providing for additional compensation of county tax assessor-collectors for their services in administering the Certificate of Title Act; making an appropriation of the fees allocated to the State Highway Department; and declaring an emergency."

S. B. No. 322, A bill to be entitled "An Act providing for payment of an amount equal to one per cent (1%) of each bid on mineral lease and land sales as a special sale fee; providing that such special payments on high bids be deposited to the General Revenue Fund; providing that failure to remit the special fee shall not render a bid void; providing for demand of payment of such fees; providing a penalty for failure or refusal to make such payment; and declaring an emergency."

S. B. No. 272, A bill to be entitled "An Act amending and revising Article 9.11 of Chapter 9 of the Insurance Code, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 491, providing that every company, foreign and domestic, doing a title insurance business shall establish, segregate and maintain an unearned premium or reinsurance reserve which shall at all times and for all purposes be deemed and shall constitute unearned portions of the original premiums and shall be charged as a reserve liability of such company in determining its financial condition; such reserve to be cumulative and consist of the reserve required to be established by such company up to the effective date of this Act, etc.; and declaring an emergency."

H. C. R. No. 194, Suspending the Joint Rules in order that the Senate may consider House Bill No. 711 at any time.

H. C. R. No. 119, Granting Robert E. Nesmith, Incorporated, permission to sue the State and Texas Southern University.

H. J. R. 30, To provide, under such limitations and restrictions as may be deemed by the Legislature expedient, for assistance to needy individuals who are more than 18 and less than 65 years of age, who are permanently and totally disabled by reason of a mental or physical handicap.

H. B. No. 638, A bill to be entitled "An Act amending subsection (c) of Section 1 of Article 14.61 of the Insurance Code, relating to conversion, or reinsurance of certain insurance associations into legal reserve companies; etc.; and declaring an emergency."

H. B. No. 673, A bill to be entitled "An Act requiring insurance companies to maintain in force a stated minimum amount of insurance written by them or acquired through reinsurance contracts; making certain exceptions; providing for forfeiture of charter, certificate of authority, etc., of any insurer failing to comply with this requirement; providing for severability; and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act amending Chapter 352, General Laws, Regular Session, 53rd Legislature, 1953, so as to declare as abandoned all certified filings heretofore filed with and permits heretofore issued by the Board of Water Engineers and permits hereafter issued by the Texas Water Commission, etc., and declaring an emergency."

H. B. No. 724, A bill to be entitled "An Act relating to expenses of members of the Commissioners' Court in connection with the use of privately owned automobiles for traveling on official business within the county; amending Chapter 456, Acts of the 52nd Legislature, 1951, by adding a new section authorizing an allowance not to exceed \$100 per month for each member of the Commissioners' Court in counties having a population in excess of 47,000 and having an assessed valuation in excess of forty million dollars; and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act authorizing the Game and Fish Commission to manage wildlife and/or fish on wildlife management areas along sound biological lines; including the authority to provide open and closed seasons and to prescribe bag limits, means, methods and conditions for taking same; providing for permits to hunt on such areas; making it unlawful to take wildlife or fish species taken from or attempt to take, or to possess at any area to which this Act applies at any time or in any numbers or by any means or under any conditions except as permitted by the Game and Fish Com-

mission under the provisions of this Act; containing repealing, saving, penalty and emergency clauses."

H. B. No. 875, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16 of the Constitution, to be known as 'South Main Street Municipal Water District,' setting forth certain powers of said district; providing for an election; enacting other provisions relating to the subject; and declaring an emergency."

H. C. R. No. 193, Requesting the Governor to return H. B. No. 663 for corrections.

H. B. No. 602, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act and further regulate and control alcoholic beverage; providing a saving clause; repealing laws in conflict herewith; and declaring an emergency."

H. B. No. 928, Creating the Bell County Water Control and Improvement District No. 4.

H. B. No. 941, A bill to be entitled "An Act relating to the use of a public road which has been under fence for a period of fifteen years or more; and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act amending Sections 61, 62, and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06 and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for marking ballots; changing certain provisions relative to voting for write-in candidates; and declaring an emergency."

H. B. No. 428, A bill to be entitled "An Act authorizing the Commissioners Courts of the State of Texas to expend county tax money for the purpose of acquiring lands for public dumping and garbage disposal grounds for the use of the residents of said county so acquiring such sites, and giving counties the right of emi-

nent domain in acquiring such necessary grounds."

S. B. No. 316, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended, so as to give the District Judge or District Judges authority to set the salary of the County Auditor at a figure not to exceed the amount allowed or paid the Assessor-Collector of Taxes in his county; providing that this salary shall only cover the compensation of the County Auditor for performing his regular county duties; providing that the County Auditor shall be appointed for a term of four years; amending Article 1649 of the Revised Civil Statutes of Texas of 1925 so as to provide that the bond of the County Auditor shall be payable to the District Judge or District Judges and that the bond shall be approved by the District Judge or District Judges, etc.; and declaring an emergency."

S. B. No. 435, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the General Laws of Texas; validating the boundary lines at the time of such incorporation and the extension of those boundaries; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation concerning the legality of the incorporation; and declaring an emergency."

H. B. No. 720, A bill to be entitled "An Act relating to the annual minimum base salary of vocational teachers under the Foundation School Program Act; amending Article IV of the Foundation School Program Act by adding a new section providing for an increase in the minimum annual salary of vocational teachers conducting vocational programs in excess of nine months; and declaring an emergency."

S. C. R. No. 78, Commissioning governing boards of State-supported schools of higher education, etc., to study feasibility of establishing retirement programs.

S. C. R. No. 82, Congratulating the Santa Fe Railroad on 75th Anniversary.

H. B. No. 742, A bill to be entitled "An Act to amend Subsection (b) of

Section 1, to add a new Subsection to Section 1 to be known as (h), and to amend Sections 3 and 7 of Chapter 500, Acts Fifty-second Legislature, Regular Session, 1951, as amended, so as to define the term 'political subdivision of the State' for the purpose of providing for coverage of certain officers and employees of political subdivisions of the State under the old-age and survivor's insurance provisions of the Federal Social Security Act; providing that all of the provisions of Chapter 500, Acts Fifty-second Legislature, Regular Session, 1951; etc.; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act amending Sections 1 and 4 of House Bill No. 603, Chapter 500, Acts 52nd Legislature, 1951, as amended, so as to define the term 'political subdivision' and to impose certain restrictions upon participation in the old-age and survivor's insurance program of the Federal Government; and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act to define Pension Trusts; to provide that Pension Trusts are Trusts within the meaning of the Texas Trust Act; to provide that such Pension Trusts shall not be deemed perpetuities nor unreasonable accumulations; to declare the effect of this Act upon Pension Trusts created under the Laws of this State and those created elsewhere; to express the intent of the Legislature in passing this Act; and declaring an emergency."

S. B. No. 309, A bill to be entitled "An Act relating to juvenile boards and juvenile officers in certain counties of the State; amending Sections 1 and 15 of Chapter 46, Acts of the 45th Legislature, Regular Session, 1935, as amended (codified under Article 5142b in Vernon's Texas Civil Statutes), designating the counties to which the Act applies and providing for additional compensation of members of the juvenile board; and declaring an emergency."

S. B. No. 286, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, and Section 5 of the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended), providing for the

payment of benefits; providing benefit eligibility conditions; providing disqualification for benefits; providing for an effective date of this Act and its sections; providing for the repeal of all laws and parts of laws in conflict herewith; providing for the separability of provisions; and declaring an emergency."

S. C. R. No. 88, Suspending Joint Rules to consider H. C. R. No. 177.

S. C. R. No. 85, Commending Mr. Walter E. Long and Texas Legislative Service.

S. C. R. No. 86, Providing for portrait of Governor Allan Shivers.

S. C. R. No. 87, Suspending Joint Rules to consider H. B. No. 907.

(Senator Colson in the Chair.)

#### Bills Signed

The Presiding Officer announced the signing by the President in the presence of the Senate, after the captions had been read of the following enrolled bills subject to the provisions of Section 49A of Article III of the State Constitution:

S. B. No. 134, A bill to be entitled "An Act declaring the State Building Commission created by Section 51-b, Article III of the Constitution of Texas to be a State agency for the purpose of performing the governmental functions outlined therein, with powers of eminent domain, and empowering the Commission to promulgate all necessary rules and regulations for the administration of this Act; providing for the selection and tenure of a Chairman of the Commission and for the employment and qualification of an Executive Director and other necessary employees and assistance and the fixing of their compensation; etc.; and declaring an emergency."

S. B. No. 89, A bill to be entitled "An Act making appropriations to supplement the appropriations for retirement payments and refunds of contributions under the Judiciary Retirement System for the fiscal year ending August 31, 1955; and declaring an emergency."

S. B. No. 54, A bill to be entitled "An Act amending Article 6820, Revised Civil Statutes of Texas of 1925, as amended in 1949 by the Fifty-first

Legislature, increasing the expense allowance of District Judges and District Attorneys under certain conditions; repealing all laws in conflict and providing a severability clause; and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act making an appropriation of Fourteen Thousand Dollars (\$14,000.00) or so much thereof as necessary, out of the unexpended balance heretofore appropriated to the Livestock Sanitary Commission under and by virtue of the provisions of House Bill 426, Fifty-second Legislature, Regular Session, 1951, and House Bill 111, Fifty-third Legislature, Regular Session, 1953, for the purpose of paying indemnity to the owners of sheep and goats whose animals have been exposed to the contagious and fatal disease of scrapie which requires the destruction of such animals and declaring an emergency."

S. B. No. 396, A bill to be entitled "An Act providing that the current appropriation to the Court of Criminal Appeals for equipment, law books, and other property may be used for other operating expenses of the Court during the fiscal year ending August 31, 1955."

S. B. No. 449, A bill to be entitled "An Act authorizing the Texas Prison Board to sell the Blue Ridge Prison Farm and to use the proceeds for the purchase of other lands and the construction of permanent improvements thereon; prescribing procedures and conditions for the sale of this property and the acquisition of new lands; requiring approval of certain acts by a board composed of the Governor, the Commissioner of the General Land Office, and the Chairman of the Texas Prison Board; making an appropriation; and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act providing for coverage of State Employees under the Old Age and Survivors Insurance provisions of the Federal Social Security Act; defining terms; providing for the administration of this Act; providing for contributions and payroll deductions; making allocations and appropriations; creating a special fund to be known as the State Social Security Administration Fund and providing for its administration; providing a severability clause; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act validating sale of certain timber at Caddo Lake State Park and appropriating the proceeds to improvement of the park; and declaring an emergency."

(President in the Chair.)

#### Senate Resolution 445

Senator Aikin offered the following resolution:

Be it resolved by the Senate, That the President appoint a committee of three Members of the Senate to notify the House of Representatives that the Senate is about to adjourn sine die.

The resolution was read and was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the House of Representatives: Senators Lock, Moffett and Martin.

#### Senate Resolution 446

Senator Aikin offered the following resolution:

Be it resolved by the Senate, That the President appoint three Members of the Senate to notify the Governor that the Senate is about to adjourn sine die.

The resolution was read and was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the Governor: Senators Colson, Aikin and Lock.

#### Oath of Office Administered to Acting Secretary of the Senate

The President requested Mr. Charlie Schnabel to proceed to the Bar of the Senate where he was administered the Constitutional Oath of Office as Acting Secretary of the Senate by the President.

#### House Notified

The committee to notify the House that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Lock for the committee reported that the committee had performed the duties assigned it.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions

had been read, the following enrolled bills and resolutions:

H. B. No. 375, A bill to be entitled "An Act amending Chapter 80, Section 5, General Laws of the 36th Legislature, Second Called Session, 1919, as amended, by adding Section 5a to provide for the appointment of a Chief Probation and Parole Officer, if such an officer has not been assigned to a court and/or district in Tarrant County as provided by Chapter 452, Acts of the 50th Legislature, 1947, etc.; and declaring an emergency."

H. B. No. 919, A bill to be entitled "An Act authorizing the appointment of an investigator by the county attorney upon approval of the commissioners' court, etc.; and declaring an emergency."

H. B. No. 290, A bill to be entitled "An Act to encourage discipline in county jails; authorizing a system of reward for good jail conduct; providing for the commutation of time for good conduct, industry and obedience, and authorizing the sheriff to make such commutation; authorizing twenty days (20) per month deduction from the term or terms of sentences if no charge of misconduct has been sustained against an inmate, provided that no commutation of time shall be given during the first sixty (60) days of any sentence; providing that a prisoner under two or more accumulative sentences shall be allowed commutation as if they were all one sentence; providing for the forfeiture of any part or all of the commutation provided in this Act for each sustained charge of misconduct in violation of any rule known to the jailer; requiring the sheriff to keep or cause to be kept a conduct record in card or ledger form and a calendar card on each inmate showing all forfeitures of commutation time and the reasons therefor; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act to amend the Veterans' Land Board-Veterans' Land Fund Act, being Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended by Chapter 351, Acts of the 52nd Legislature, Regular Session, 1951, by adding a new section thereto to be known as Section 10 (A) requiring an appraisalment of all lands purchased by the Board, providing qualifications for an appraiser, requiring a sworn report of certain matters by the

appraiser, requiring approval or disapproval of the appraiser by a committee of county officers; adding a new section thereto to be known as Section 10 (B) requiring a sworn statement of certain matters to be filed by the seller of lands to the Board; amending Section 17 thereof so as to prevent transfer, sale, or conveyance of land until the entire indebtedness due the Board is paid, providing for restrictions on the veteran's right to lease and declaring any lease or instrument in violation thereof to be void; adding a new section thereto to be known as Section 21 (A) authorizing the Board to make investigations, to take copies of instruments showing fraud or other violations, to issue subpoena duces tecum, providing penalties, forfeiture, and presumption of fraud, for failure to comply; amending Section 24 thereof to require the Board to cause to be published a pamphlet and making it available; adding a new section thereto to be known as Section 32 providing penalties for violations of the Act; providing for severability; making the Act cumulative; and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act imposing an excise tax upon the sale of radios and television sets equal to three per cent of the retail value thereof with certain exemptions; defining terms used in Act; requiring licensed retailer to collect said tax for the State of Texas upon the sale or distribution of radios and television sets in Texas, and requiring tax to be added to selling price; etc.; and declaring an emergency."

H. B. No. 711, A bill to be entitled "An Act making an emergency appropriation to the State Department of Agriculture for the operating expenses for the remainder of the fiscal year ending August 31, 1955, provided for its expenditures under the general provisions of House Bill No. 111, Regular Session, Fifty-third Legislature; and declaring an emergency."

H. J. R. No. 11, Proposing an amendment to Article I of the Constitution of the State of Texas by adding thereto another section following Section 15, conferring on the Legislature the authority to regulate lunacy proceedings and to provide for waiver of trial by jury where the person under inquiry has not been charged with commission of a criminal offense.

H. C. R. No. 177, Granting Morris Lang, Johnnie Christian, James C. Schreiber, O. L. Owens, and William Henderson, residents of McLennan County, Texas, permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 195, Commending Allan Shivers, Governor of the State of Texas.

#### Governor Notified

The committee to notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Colson for the committee reported that the committee had performed the duty assigned it.

#### Senate Notified

A committee from the House of Representatives appeared at the Bar of the Senate and Mr. Yancy for the committee notified the Senate that the House was ready to adjourn sine die.

#### Adjournment Sine Die

The President announced that the hour fixed by concurrent action of the House and Senate for final adjournment of the Regular Session of the Fifty-fourth Legislature had arrived.

Senator Colson moved that the Senate stand adjourned sine die.

The motion prevailed and the President declared the Regular Session of the Fifty-fourth Legislature adjourned sine die at 5:55 o'clock p. m.

### APPENDIX

#### Committees for the Ad Interim

The President of the Senate made the following appointments for the Ad Interim Committees on the part of the Senate:

#### Texas Legislative Budget Board

Senators William S. Fly and William H. Shireman, Lieutenant Governor Ben Ramsey is Chairman, and Senators Crawford C. Martin as Chairman of the Finance Committee and Dorsey B. Hardeman as Chairman of the Committee on State Affairs are also members under the Act setting up the Board.

#### Texas Advisory Committee on Segregation in Public Schools

Senators David W. Ratliff, Searcy Bracewell and A. M. Aikin.

#### South Central Interstate Forest Fire Prevention Compact

Senator Ottis E. Lock.

#### Texas Legislative Council

Senators Neveille H. Colson, Abraham Kazen, Jr., Rogers Kelley, George Moffett and Gus J. Strauss.

#### Senate General Investigating Committee

Senators Searcy Bracewell, Chairman, Wardlow Lane, Ottis E. Lock, Rogers of Travis and Jarrard Secrest.

#### Water Resources Committee

Senators Frank Owen, George Parkhouse and Ray Roberts.

### SUMMARY OF EXPENDITURES

For the Period from March 3rd, 1954 through September 12th, 1955

	12-13-1954 to 9-12-1955	3-3-1954 to 12-13-1954
Office Supplies .....	\$17,209.35	\$ 5,603.20
Postage .....	13,250.00	3,901.20
Telephone and Telegraph .....	26,610.09	10,602.60
Express .....	124.21	50.19
Repairs .....	594.54	218.18
Porter Supplies .....	1,524.24	387.25
Journals .....	14,839.90	13,635.56
Typewriter Rentals .....	4,702.47	762.00
Equipment .....	6,773.32	283.80
Carpeting and Installation .....	2,541.41	1,180.00
Inauguration Expense .....	437.50	
Miscellaneous* .....	2,030.48	2,998.43
<b>Totals .....</b>	<b>\$90,637.51</b>	<b>\$39,622.41</b>

\*Includes pictures, flags, cleaning, laundry, etc., and several items that could have been classified as replacements.

**SUMMARY—OFFICE SUPPLIES**  
**For the Period from March 3rd, 1954,**  
**through September 12th, 1955**

	12-13-1954 to 9-12-1955	3-3-1954 to 12-13-1954
Beginning Balance . . . . .	\$ 1,772.05	\$ 1,580.51
Purchases . . . . .	17,209.53	5,603.20
Sub-total . . . . .	<u>18,981.40</u>	<u>7,183.71</u>
Less: Issues . . . . .	17,199.15	5,398.33
Balance Per Books . . . . .	1,782.25	1,785.38
Ending Balance—Inventory . . . . .	<u>1,787.09</u>	<u>1,772.05</u>
Over or Short* . . . . .	<u><u>4.84</u></u>	<u><u>13.33*</u></u>

**SUMMARY—STAMP ACCOUNT**  
**For the Period from March 3rd, 1954,**  
**through September 12th, 1955**

	12-13-1954 to 9-12-1955	3-3-1954 to 12-13-1954
Beginning Balance . . . . .	\$ 330.79	\$ 584.44
Purchases (Including voucher written prior period—spent for stamps in this period) . . . . .	13,550.00	4,201.20
Sub-total . . . . .	<u>13,880.79</u>	<u>4,785.64</u>
Less: Issues . . . . .	13,207.28	4,454.35
Balance Per Books . . . . .	673.51	331.29
Ending Balance—Inventory . . . . .	<u>684.27</u>	<u>330.79</u>
Over or Short* . . . . .	<u><u>10.76</u></u>	<u><u>.50*</u></u>

# ANALYSIS OF LEDGER ACCOUNTS

## For the Period from March 3rd, 1954, through September 12th, 1955

Members	Period from December 13, 1954, through September 12, 1955				Total
	Total	Supplies	Telephone and Telegraph	Stamps	
Aikin, A. M., Jr.	\$ 472.35	\$ 52.05	\$ 366.30	\$ 54.00	\$ 184.92
Ashley, Carlos	901.16	75.81	743.05	82.30	359.10
Bell, John J.					916.18
Bracewell, Searcy	1,168.63	409.19	576.94	182.50	215.94
Colson, Mrs. Neveille H.	1,061.18	43.47	592.71	425.00	321.50
Corbin, Kilmer B.	1,910.47	379.63	1,266.84	264.00	286.06
Fly, William S.	804.49	348.42	374.07	82.00	
Fuller, Jep S.	1,263.71	226.89	842.82	194.00	483.84
Hardeman, Dorsey B.	683.29	238.99	376.30	68.00	168.16
Hazlewood, Grady	1,682.84	176.97	1,216.87	289.00	820.19
Kazen, Abraham, Jr.	732.16	100.90	569.76	61.50	137.78
Kelley, Rogers	2,806.65	465.05	1,305.60	836.00	890.55
Lane, Wardlow	847.75	211.28	559.47	77.00	298.49
Latimer, O. E.	1,022.92	242.46	511.36	269.10	292.00
Lock, Ottis E.	1,095.65	423.27	430.58	241.80	488.00
Martin, Crawford C.	890.30	218.16	507.14	165.00	386.38
McDonald, Warren	2,080.99	193.06	1,643.93	244.00	598.46
Moffett, George	771.25	265.35	268.90	237.00	201.61
Moore, William T.	1,335.01	420.69	529.32	385.00	376.94
Owen, Frank III	2,771.11	591.04	1,191.47	988.60	
Parkhouse, George	2,403.02	518.21	1,677.01	207.80	468.38
Phillips, Jimmy	4,189.07	550.03	1,591.34	2,047.70	546.95
Ratliff, David W.	1,284.82	441.26	573.56	270.00	
Roberts, Ray	1,192.50	673.36	255.74	263.40	
Rogers, Andy	2,196.73	587.17	994.56	615.00	561.70
Rogers, Johnnie B.	405.13	190.20	137.10	78.00	72.88
Russell, Joe					443.87
Rutherford, J. T.					518.12
Sadler, Harley					547.77
Secrest, Jarrard	1,485.55	630.72	524.83	330.00	353.69
Shireman, Wm. H.	1,041.54	317.48	473.06	251.00	305.01
Strauss, Gus J.	1,042.04	330.45	246.59	465.00	380.45
Wagonseller, Wayne W.	1,984.91	531.32	752.59	701.00	497.98
Weinert, R. A.	402.36	71.66	259.70	71.00	78.99
Willis, Doyle	2,026.86	536.30	572.96	917.60	445.33
Sub-total, Members	\$43,756.61	\$10,460.84	\$21,932.47	\$11,363.30	\$12,647.22
Lieutenant Governor	1,212.65	278.67	859.63	74.35	1,147.94
Secretary of Senate	3,465.47	994.17	1,959.30	512.00	4,954.00
Sergeant-at-Arms	883.72	411.73	442.74	29.25	399.83
Calendar Clerk	209.20	85.06	124.14		141.78
Enrolling and Engrossing	1,357.14	1,269.26	87.88		411.72
Finance Committee	394.88	89.41	205.47	100.00	43.27
Journal Clerk	57.43	57.43			8.17
Mailing Room	4,732.87	3,524.52	96.35	1,112.00	655.96
Post Office	109.30	28.06	64.86	16.38	27.11
Nominations of Governor Committee	42.40		42.40		
Water Resources Committee					8.28
Postage Due					10.00
Total	\$56,221.67	\$17,199.15	\$25,815.24	\$13,207.28	\$20,455.28



**In Memory of**  
**Dr. David Lefkowitz**

---

Senator Parkhouse offered the following resolution:

(Senate Resolution 436)

Whereas, Our Heavenly Father in His infinite wisdom, did call Dr. David Lefkowitz, of Dallas, from his earthly labors in the 80th year of his life, the people of Texas, and in particular the people of Dallas County and the City of Dallas, have suffered an irreparable loss; and

Whereas, This foreign-born orphan became a great leader in civic and religious affairs, received a Phi Beta Kappa key from the University of Cincinnati, and an honorary Doctor of Divinity Degree in 1939 from Hebrew Union College; and later was a lecturer in the School of Theology at Southern Methodist University, and wrote "Medicine for a Sick World," which was published by the SMU Press; and

Whereas, He was for fifteen years a civic and religious leader in Dayton, Ohio, and came to Dallas in 1920 and built up his congregation and joined many worth-while civic and religious projects; and was honored at a dinner in 1948 by leaders of all faiths; and

Whereas, He was a constant and tireless civic worker for Dallas, having once served as head of the Dallas Red Cross, was an executive board member of the Boy Scouts, the Campfire Girls, and the Jewish Federation for Social Service; he was a thirty-third degree Mason; was a member of Dallas B'nai B'rith, the Dallas Athletic Club, the Lakewood Country Club, the Columbian Club, the Critic Club, the Elks and the Knights of Pythias; he had served as president of the Central Conference of American Rabbis for Progressive Judaism, and was a member of the executive board of the Union of American Hebrew Congregations, and became the rabbi emeritus of Temple Emanu-El in 1948; and

Whereas, Dr. Lefkowitz's passing is a loss to the City of Dallas and to the State of Texas; now, therefore, be it

Resolved, By the Senate of Texas, that a page in today's Journal be dedicated to his memory for his unselfish deeds and his great devotion to the betterment of his State, and that we here and now extend our deepest sympathy to his family, and when the Senate adjourns today that it do so in memory of Dr. David Lefkowitz.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**Mr. Leroy Lieber**

---

Senator Willis offered the following resolution:

(Senate Resolution 437)

Whereas, With deep sorrow, the Senate learns of the death of Mr. Leroy Lieber on May 31, 1955, who was the father-in-law by marriage of the State Representative from Tarrant County, Texas, the Honorable Vernon E. Smith, and the husband of Viva B. Lieber of Fort Worth, mother of Gloria Smith, the lovely wife of Mr. Smith; and

Whereas, Mr. Leroy Lieber was a native of Illinois, but lived in Dallas, Texas, for more than 25 years, and later resided in Fort Worth for the past two years; and

Whereas, He was a Veteran of the First World War, a great sports fan, traveled for Formfit Company of Chicago for about 40 years and was loved and respected for many kind acts and deeds of friendship, unselfish effort, and service; and

Whereas, He is survived by his widow, Mrs. Leroy Lieber of Fort Worth; his sisters, Mrs. Natalie Borgman, Miss Aline Lieber, Mrs. Janice Latkin, and Miss Dorothy Lieber, all of Chicago; his cousins, Miss Edna Lieber of St. Louis, Missouri, and Mr. and Mrs. Gus Levy of Waco, Texas; and

Whereas, It is the desire of the Senate of Texas to express sympathy to the survivors of Mr. Leroy Lieber; now, therefore, be it

Resolved, That the Senate of the State of Texas acknowledge with regret the loss which occurred with the death of Mr. Leroy Lieber; that when the Senate adjourns today, it do so in his memory; and that copies of this resolution be sent to the immediate members of his family.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**W. Joel Bryan, Sr.**

---

Senator Phillips offered the following resolution:

(Senate Resolution 440)

Whereas, Almighty God, in His infinite wisdom, saw fit to close the esteemed career of W. Joel Bryan, Sr.; and

Whereas, The people of Texas, and particularly Brazoria County, mourn the passing of this pioneer leader in his community; and

Whereas, Mr. Bryan was a native of Brazoria County, Texas, and was born at Perry's Landing on the Brazos River on March 12, 1874; and

Whereas, He was always active in civic and community affairs and was the bearer of a name that is an integral part of the history of Texas and Brazoria County, being a grand-nephew of Stephen F. Austin, as a direct descendant of Austin's sister, Emily Austin Bryan Perry; and

Whereas, Mr. Bryan served six years as Brazoria County Commissioner, and also two terms as mayor of Freeport; and

Whereas, Mr. Bryan was loved and respected for many other kind acts and deeds of friendship, unselfish effort and service; and

Whereas, He is survived by his widow; two sons, W. Joel Bryan, Jr. and J. P. Bryan; a sister, Mrs. Thomas H. Lewis; two granddaughters, Mrs. A. Y. Bryan III and Mrs. G. H. Robbins; two grandsons, J. P. Bryan, Jr. and John Shelby Bryan; and four great-grandchildren; and

Whereas, It is the desire of the Senate of Texas to express sympathy to the survivors of W. Joel Bryan, Sr., now, therefore, be it

Resolved, That the Senate of the State of Texas acknowledge with regret the loss which occurred with the death of W. Joel Bryan, Sr., and that when the Senate adjourns today, it do so in his memory, and that copies of this resolution be sent to the immediate members of his family.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

**William Lewis Moody, Jr.**

---

Senator Phillips offered the following resolution:

(Senate Resolution 441)

Whereas, Almighty God, in His infinite wisdom, saw fit to close the esteemed career of William Lewis Moody, Jr., widely-known financier and head of the multimillion-dollar Moody enterprises; and

Whereas, Mr. Moody was one of Texas' leading businessmen and of a pioneer Texas family; and

Whereas, Among Mr. Moody's many philanthropies was presentation to the State of Texas for use as a school for palsied children of a building and grants now operated by the State, known as the Moody State School for Cerebral Palsied Children; and

Whereas, His deep interest in civic affairs prompted him to lend financial aid to many worthy and humanitarian projects; and

Whereas, Mr. Moody was a native of Texas, being born January 25, 1865, near Fairfield in Freestone County, as the son of Therabe Elizabeth Bradley Moody and Colonel William Lewis Moody; and

Whereas, Mr. Moody left all his vast financial empire in a trust to be used for the benefit of Texas citizens; and

Whereas, He is survived by three children, Mrs. Mary Elizabeth Northen, Mrs. Clark W. Thompson, and W. L. Moody, III; seven grandchildren, W. L. Moody IV, Shearn and Robert Moody, Clark W. Thompson, Jr., Mrs. James E. Guthrie, Mrs. Virginia Moody Beardsley, and Mrs. Craig Marshall; and seven great-grandchildren; and

Whereas, It is the desire of the Senate of Texas to express sympathy to the survivors of William Lewis Moody, Jr.; now, therefore, be it

Resolved, That the Senate of the State of Texas acknowledge with regret the loss which occurred with the death of William Lewis Moody, Jr., and that when the Senate adjourns today, it do so in his memory, and that copies of this resolution be sent to the immediate members of his family.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**George H. Ottis**

---

Senator Phillips offered the following resolution:

(Senate Resolution 444)

Whereas, Almighty God, in His infinite wisdom, saw fit to close the esteemed career of George P. Ottis; and

Whereas, The people of Texas, and particularly Matagorda County, mourn the passing of this pioneer leader in his community; and

Whereas, Mr. Ottis was well known throughout the Gulf Coast as a successful rice farmer of many years; and

Whereas, Mr. Ottis was loved and respected for many other kind acts and deeds of friendship, unselfish effort and service; and

Whereas, He is survived by his widow, Mrs. George P. Ottis; three daughters, Mrs. O. G. Gage, Jr., Miss Katherine Rea and Miss Lyndia Carroll Ottis of Wadsworth; one son, George P. Ottis; three sisters, Mrs. Helen Lundin, Mrs. Anna Rother, and Mrs. Irene Gassen; and seven brothers, John F., Frank, Emil, Joe, Fred, Matt, and Tom Ottis; and

Whereas, It is the desire of the Senate of Texas to express sympathy to the survivors of George P. Ottis; now, therefore, be it

Resolved, That the Senate of the State of Texas acknowledge with regret the loss which occurred with the death of George P. Ottis, and that when the Senate adjourns today, it do so in his memory, and that copies of this resolution be sent to the immediate members of his family.

The resolution was read and was adopted by a rising vote of the Senate.